



Israel and the occupied territories

Country Reports on Human Rights Practices - [2004](#)

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(The Report on the [occupied territories](#) is appended at the end of this Report.)

Israel is a multiparty parliamentary democracy. "Basic laws" enumerate fundamental rights. The 120-member Knesset has the power to dissolve the Government and mandate elections. The current Knesset and Prime Minister Ariel Sharon were elected democratically in 2003. (An annex to this report covers human rights in the occupied territories. This report deals only with the situation in Israel itself.) The judiciary is independent and often ruled against the Executive, even in security cases.

During the year, a total of 76 Israeli civilians and four foreigners were killed as a result of Palestinian terrorist attacks in Israel and the occupied territories, and 41 members of the Israeli Defense Forces were killed in clashes with Palestinian militants. During the same period, more than 800 Palestinians were killed during Israeli military operations in the occupied territories.

Internal security is the responsibility of the Israel Security Agency (ISA or Shin Bet), which is under the authority of the Prime Minister. The National Police, which includes the Border Police and the Immigration Police, are under the Minister of Internal Security and the Minister of Interior respectively. The Israel Defense Forces (IDF) are under the authority of a civilian Minister of Defense. The IDF includes a significant portion of the adult population on active duty or reserve status. The Foreign Affairs and Defense Committee in the Knesset oversees the IDF and the ISA. Security forces were under effective government control. Some members of the security forces committed serious abuses.

The country's population is approximately 6.8 million, including 5.2 million Jews, 1.3 million Arabs, and some 290,000 other minorities. It has an advanced industrial, market economy with a relatively high standard of living. Twenty one percent of the population lived below the poverty line in 2003. Unemployment was approximately 11 percent, and was higher among the Arab population. Foreign workers, both legal and illegal, constituted about 7 percent of the labor force.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Some members of the security forces abused Palestinian detainees. Conditions in some detention and interrogation facilities remained poor. During the year, the Government detained on security grounds but without charge thousands of persons in Israel. (Most were from the occupied territories and their situation is covered in the annex.) The Government did little to reduce institutional, legal, and societal discrimination against the country's Arab citizens. The Government did not recognize marriages performed by non-Orthodox rabbis, compelling many citizens to travel abroad to marry. The Government interfered with individual privacy in some instances.

Discrimination and societal violence against women persisted, although the Government continued to address these problems. Trafficking in and abuse of women and foreign workers continued to be problems. Discrimination against persons with disabilities persisted.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of politically motivated killings by the Government or its agents during the year.

Twelve Israeli-Arab and one Palestinian protestors were killed by police during October 2000 demonstrations (see Section 2. b.). The Orr Commission of Inquiry (COI) was established to investigate those killings. It recommended a number of measures, including criminal prosecutions. The Cabinet adopted those recommendations in June. At year's end, the Justice Ministry had not completed its investigations. In October, the Justice Minister appointed Assistant Commander Benzi Sau, one of the officers being investigated, to the position of Border Police staff commander. The Legal Center for Arab Minority Rights in Israel

(Adalah), an Israeli-Arab advocacy group, charged that this was a promotion. The Orr Commission specifically recommended that Sau not be promoted due to his involvement in the killings.

During the year, terrorist organizations such as the Islamic Resistance Movement (Hamas), Al-Aqsa Martyrs' Brigades, Hizballah, Islamic Jihad, and the Popular Front for the Liberation of Palestine (PLFP), committed numerous acts of terrorism in Israel as well as in the occupied territories.

According to the Government, there was a 45 percent reduction in the number of Israelis killed in such attacks during the year due to the construction of a security barrier (see annex) and effective terrorist interdiction. Seventy-six Israeli civilians and 4 foreign nationals were killed, and over 394 were injured in terrorist attacks during the year. Forty-one Israeli security forces were killed and 195 injured. There were 13 suicide attacks during the year that resulted in 53 Israeli and 2 Palestinian deaths. In addition, eight suicide bombers killed only themselves. In contrast, 26 suicide attacks in 2003 caused 144 deaths.

In July 2003, the Border Police killed Morassi Jibali, an Israeli-Arab. Police claimed the car in which he was a passenger had failed to stop upon order, and that he had been mistaken for a terrorist. The driver claimed that he had tried to avoid the roadblock because he was driving without a license. According to Mossawa Advocacy Center for Arab Citizens of Israel (Mossawa), witnesses reported that the police did not warn the driver before firing and that police later prohibited medical personnel from treating Jibali. At year's end, the Ministry of Justice division for investigating police officers continued to investigate the incident.

In July 2003, police killed unarmed Bedouin, Nasser Abu al Qia'an, in his car at a junction. Police claimed he had tried to run them over but at least one witness disputed the police account, reporting that spikes in the road prevented any movement of the car. In September, the Ministry of Justice filed an indictment against the police officer, who was subsequently tried and found not guilty on the grounds of self-defense.

In September 2003, residents of an Arab community, Kafr Qassem, clashed with police searching for illegal immigrants. The police wounded one Israeli Arab when, according to police reports, village residents began to throw stones. According to Mossawa, at year's end, the police had either not investigated or had closed all cases against the police involved.

On January 29, a suicide bomber blew up a Jerusalem bus killing 11 Israelis and injuring 50. Al Aqsa Martyrs' Brigades and Hamas claimed responsibility. On August 31, twin suicide bombs exploded on buses in Be'er Sheva, killing 16 persons and injuring over 100. Hamas claimed responsibility.

On November 1, a suicide bombing in Tel Aviv killed 3 Israelis and wounded 30. The PFLP claimed responsibility. According to official Israeli data, the number of rocket and mortar attacks against Israeli targets increased over the year. Palestinian terrorists routinely fired rockets into Sderot, a town that borders the Gaza Strip. Qassam rocket attacks on June 28, and again on September 29, killed four residents of Sderot.

b. Disappearance

There were no reports of politically motivated disappearances during the year.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Laws, judicial decisions, and administrative regulations prohibit torture and abuse; however, during the year, credible NGOs filed numerous complaints with the Government alleging that security forces tortured and abused Palestinian detainees. (The law regarding torture and allegations of torture of Palestinians by Israeli security officials is discussed in the annex to this report.)

The Public Committee Against Torture in Israel (PCATI) stated that no ISA officials had been tried on torture charges during the past 3 years.

In June, the Physicians for Human Rights in Israel (PHR) petitioned the Supreme Court to end what it termed the Israel Prison System's (IPS) "systematic abuse of prisoners" in the Sharon Prison. In July, the court decided to close the case after prisoner complaints ended with the appointment of a new prison warden. At year's end, PHR continued to investigate the complaints and had received relevant files from the police.

A special bureau in the Ministry of Justice reviews complaints against police officers and may impose disciplinary charges or issue indictments against officers. During the year, several judges criticized this bureau for launching faulty investigations against police officers who were later acquitted.

In January, two police officers were convicted of raping a foreign worker after they confiscated her work permit; each received a 2-year prison sentence.

In May, an official secretly recorded a senior immigration police officer stating that immigration police used excessive force when

detaining foreign workers. The senior officer confirmed his statement to the media, but its accuracy was disputed by the Immigration Police spokesperson. At year's end, a Knesset Committee on Foreign Workers continued to investigate this matter.

The law provides detainees the right to live in conditions that do not harm their health or dignity. Conditions in IPS facilities, which house common law criminals and convicted security prisoners, and in IDF military incarceration camps, which hold convicted security prisoners, generally met international standards. The ICRC has access to these facilities. However, police detention and interrogation facilities for Palestinians were overcrowded and had austere, provisional conditions. In June 2003, the Supreme Court issued a permanent injunction prohibiting prisoners from being forced to sleep on the floor and mandated that every prisoner be provided a bed. Subsequently, the Minister of Internal Security stated that all persons held in the IPS would receive a bed, daily outdoor exercise, telephone and visitation rights, and less crowded facilities. In May, however, the IPS deputy warden told a Knesset committee that approximately 500 prisoners in the IPS, both security and criminal, slept nightly on prison floors because of a lack of beds.

Conditions at the Russian Compound interrogation center in Jerusalem remained harsh. According to a PHR report released in November 2003, prisoners in the Russian Compound holding cells were routinely handcuffed with their hands behind their backs to their feet, sometimes for hours. The PHR report also stated that medical examinations given to arriving prisoners were used to determine if the prisoner could withstand "the application of violent approaches to those jailed." A reputable international organization with access to this facility also reported during the year that it is investigating the use of Israeli doctors in this capacity.

Women and children in prison were held separately from the adult male population. Citizens 18 years and older and Palestinians 16 and older were treated as adults. The ICRC reported that, as of the end of December, the Government held 498 minor Palestinians, with the youngest being 13 years old. Defense for Children International and Save the Children charged that minors were being "physically and mentally abused," denied access to their families and legal representation during interrogation, and held in overcrowded and unsanitary conditions.

The ICRC regularly monitored IPS facilities, as well as IDF camps and detention facilities. Pursuant to a 1979 ICRC-Israeli agreement, the ICRC does not have access to interrogation facilities but can meet with detainees under interrogation in designated areas of those facilities. NGOs generally were not permitted to monitor any incarceration facilities, including within the IPS, but could send lawyers and representatives to meet with prisoners in those facilities. According to PHR, the Israeli Bar Association and public defenders were permitted to inspect IPS facilities.

In December, in response to a petition to compel the Government to release information on a secret IDF detention facility, the Supreme Court ruled that the Government should not use secret interrogation facilities. The court gave the Government 60 days to respond to its undisclosed suggestions related to the secret facility.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. (Palestinian security detainees fell under the jurisdiction of military law even if they were detained in Israel (see annex). When arrested, the accused is considered innocent until proven guilty, has the right to habeas corpus, to remain silent, to be represented by an attorney, to contact his family without delay, and to a fair trial. A bail system exists and decisions denying bail are subject to appeal. A citizen may be held without charge for 24 hours before he must be brought before a judge (48 hours for administrative detainees). If the detainee is suspected of committing a "security offense," the police and the courts can delay notification of counsel for up to 31 days. The Government may withhold evidence from defense lawyers on security grounds. In March, the Public Defender's Office charged that the police sometimes failed to apprise detainees of their rights under law and did not always provide detainees with legal counsel when required. The Public Defender's Office estimated that, as a result, approximately 500 persons were deprived of their rights to due process.

Foreign nationals detained for suspected violations of immigration law are afforded an immigration hearing within 4 days of detention, but do not have the right to legal representation. According to the local advocacy organization Hotline for Migrant Workers, appropriate interpreters were not always present at the hearings. Hotline received complaints from Israeli attorneys of being denied access to their foreign clients. According to Hotline, foreign detainees were rarely released pending judicial determination of their status. If the country of origin of the detainee had no representation in the country, detention could last for months, pending receipt of travel documents. During the year, there were credible allegations that the police knowingly detained and deported legal foreign workers to meet deportation quotas.

Pursuant to the 1979 Emergency Powers Law, the Ministry of Defense may order persons detained without charge or trial for up to 6 months in administrative detention, renewable indefinitely subject to district court review. Such detainees have the right to legal representation, but the court may rely on confidential information to which the defendant and his or her lawyer are not privy. Administrative detainees have the right to appeal their cases to the Supreme Court.

In September, Minister of Defense Shaul Mofaz ordered the 4-month administrative detention of Israeli citizen Tali Fahima based on confidential evidence that she was involved in terrorist activity. Fahima's appeal to the Supreme Court was denied in November. In December, she was released due to insufficient evidence, but was rearrested shortly thereafter when police presented additional evidence. Fahima remained in administrative detainee until later in December, when the Tel Aviv Magistrate's Court indicted her on criminal charges, which included assisting the enemy during wartime and passing information

to the enemy. At year's end, she was detained pending trial.

In the past, human rights groups have alleged abuse of preventative or administrative detention orders in cases in which the accused did not pose a clear danger to society.

In 2000, the High Court ruled that detaining Lebanese captives indefinitely as "bargaining chips" violated the administrative detention law. In 2002, the Knesset passed the Illegal Combatant Law allowing the IDF to detain persons who are suspected of "taking part in hostile activity against Israel, directly or indirectly" or who "belong to a force engaged in hostile activity against the State of Israel."

In January, the GOI released Mustafa Dirani, head of the security for the Amal militia; Sheikh Obeid, a Lebanese cleric; and some 25 other Lebanese prisoners held as enemy combatants in return for the release of Elchanan Tanenbaum, a kidnapped Israeli held by the Hizballah terrorist group in Lebanon, and the remains of three IDF soldiers kidnapped to Lebanon in 2000. The Government also released 400 Palestinian prisoners and another 9 foreign prisoners in addition to the Lebanese. In October 2003, the Tel Aviv District Court disclosed that a Lebanese citizen, imprisoned in the country for 5 years but eligible for release, had been detained under administrative detention for the past year because the IDF decreed him an illegal combatant. He was released and repatriated in December.

According to a reputable international organization, at year's end one Lebanese national remained in Israeli detention.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the Government generally respected this provision in practice.

The Judicial Branch is organized into three levels: Magistrate Courts; six District Courts; and the Supreme or High Court. District Courts prosecute felonies, and Magistrate Courts prosecute misdemeanors. There are military, religious, labor relations, and administrative courts, with the High Court of Justice as the ultimate judicial authority. The High Court is both a court of first instance and an appellate court (when it sits as the Supreme Court). All courts in the judicial system, including the High Court of Justice, thus have appellate courts of jurisdiction. Religious courts, representing the main recognized religious groups, have jurisdiction over matters of personal status for their adherents (see Section 2.c.).

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. The country's criminal justice system is adversarial, and professional judges rather than juries decide cases.

Nonsecurity trials are public except in cases in which the interests of the parties are determined to be best served by privacy. Security or military trials are open to independent observers upon request and at the discretion of the court, but they are not open to the general public. The law provides for the right to a hearing with legal representation, and authorities generally observed this right in practice. In cases of serious felonies—subject to penalties of 10 years or more—indigent defendants receive mandatory legal representation. Indigent defendants facing lesser sentences are provided with representation on a discretionary basis. Counsel represented approximately 70 percent of defendants.

The 1970 regulations governing military trials are the same as evidentiary rules in criminal cases. Convictions may not be based solely on confessions; however, according to PCATI, in practice, some security prisoners have been sentenced on the basis of the coerced confessions made by both themselves and others. Counsel may assist the accused, and a judge may assign counsel to those defendants when the judge deems it necessary. Indigent detainees are not provided with free legal representation for military trials. Charges are made available to the defendant and the public in Hebrew, and the court can order that they be translated into Arabic if necessary. Sentencing procedures in military courts were consistent with those in criminal courts. Defendants in military trials have the right to appeal through the Military High Court. Defendants in military trials also can petition the civilian High Court of Justice (sitting as a court of first instance) in cases in which they believe there are procedural or evidentiary irregularities.

According to a 2003 Haifa University study, a tendency existed to impose heavier prison terms to Arab citizens than to Jewish citizens. Human rights advocates claimed that Arab citizens were more likely to be convicted of murder and to have been denied bail.

In May, three Israeli Arabs were released after having been detained for 10 months in prison when the police arrested new suspects for the July 2003 murder of IDF corporal Oleg Shaigat. One of those released publicly stated that his confession was coerced. According to the Government, it will conduct an official examination of this case.

Human rights NGOs charged that the former mayor of the Arab city of Umm al-Fahm, Sheikh Raed Salah, who was arrested in May 2003 for allegedly funneling money to terrorist organizations, has been unfairly denied bail despite his status and community ties. At year's end, his case was still pending.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law generally protected privacy of the individual and the home. In criminal cases, the law permits wiretapping under court order; in security cases, the Ministry of Defense must issue the order. Under emergency regulations, authorities may open and destroy mail based on security considerations.

In May, the High Court banned the unsupervised electronic flow to public bodies and banks of data on private citizens maintained by the Government's Population Registry.

Separate religious court systems adjudicate personal status matters such as marriage and divorce for the Jewish, Muslim, Christian, and Druze communities. Jews can only marry in Orthodox Jewish services. Jews and members of other religious communities who wish to have a civil marriage, Jews who wish to marry according to Reform or Conservative Judaism, those not recognized as being Jewish, and those marrying someone from another faith, must marry abroad in order to gain government recognition of their unions. While civil marriages are available in nearby Cyprus and are recognized by the Government, this requirement presents a hardship. In July, the Knesset extended for 6 months the 2003 law that prohibits citizens' Palestinian spouses from the occupied territories from residing in the country (see Section 5).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. The law prohibits hate speech and incitement to violence, and the 1948 Prevention of Terrorism Ordinance makes it illegal for persons to express support for illegal or terrorist organizations. In previous years, the Government has prosecuted persons for allegedly speaking or writing on behalf of terrorist groups; however, there were no such incidents during the year.

On May 25, the ISA detained for 2 days British journalist Peter Hounam following his meeting with nuclear whistleblower Mordechai Vanunu, who was released in April after serving 18 years in prison (see Section 2.d.). The terms of Vanunu's release prohibited him from meeting with the foreign press unless approved by the Government. On November 11, police re-arrested Vanunu for meeting foreign media in violation of the terms of his release and confiscated his computer. Vanunu acknowledged the violation, and was released after 12 hours. Vanunu's computer had not been returned by year's end.

In June, Arab Knesset Members Ahmed Tibi and Taleb el-Sana were censured by the Knesset Ethics Committee for harshly criticizing IDF operations in Gaza. The Committee banned Tibi and el-Sana from attending Knesset sessions for 1 and 2 days, respectively.

In September, the Supreme Court upheld its original ruling overturning the Film Council's ban on the screening of the film, "Jenin, Jenin," which depicts fighting in the West Bank refugee camp in Jenin during April 2002. In its decision, the Supreme Court reasoned that a ban on the film was an undue infringement on freedom of expression.

Arab Knesset Member Azmi Bishara was indicted (after the Knesset lifted his immunity) for making statements allegedly supportive of Hizballah during 2000 visits to Syria (a country still in a state of war with Israel) and to the Israeli-Arab city of Umm al-Fahm. In November, the Supreme Court held a hearing on a petition filed by Adalah to dismiss the charges. At year's end, the case was still pending.

As a general rule, Israeli media covered the occupied territories, except for combat zones where access was restricted. In general, journalists continued to claim that the Government placed limitations on their freedom of movement within the occupied territories. The Government claimed such restrictions were necessary for the security of the journalists.

There were several allegations from foreign media that the IDF fired upon journalists (see annex).

In August, the Supreme Court ruled that the Government Press Office could not apply a blanket refusal to issue press credentials to facilitate access to official events to Palestinians from the occupied territories. The Court reasoned that such a blanket policy did not properly balance freedom of the press and national security.

All newspapers are privately owned and managed. According to the Journalism Ordinance dating from the British Mandate, anyone wishing to publish a newspaper must apply for a license from the locality. The ordinance also allows the Minister of Interior, under certain conditions, to close a newspaper. In November, the High Court heard a petition filed by the Association for Civil Rights in Israel (ACRI) challenging the ordinance; at year's end, the court had not reached a decision.

The country has 12 daily newspapers, 90 weekly newspapers, more than 250 periodical publications, and a number of Internet news sites.

The quasi-independent Israel Broadcast Authority controls television Channel 1 and Kol Israel (Voice of Israel) radio, both major

sources of news and information. The Second Television and Radio Authority, a public body, supervises the two privately owned commercial television channels and 14 privately owned radio stations. There are three cable and one satellite television companies that carry international networks and shows specifically produced for the domestic audience.

The law authorizes the Government to censor any material reported from the country or the occupied territories that it regards as sensitive on national security grounds. A censorship agreement between the Government and media representatives provides for military censorship only in cases involving issues that are nearly certain to harm the country's defense interests. Media organizations may appeal the censor's decision to the High Court of Justice, and they are not subject to closure by the military censor for censorship violations. The military censor cannot appeal a court judgment. Foreign journalists were required to sign an agreement upon receiving their press cards in which they agreed to submit sensitive articles and photographs to the military censor. In practice, they rarely complied; however, the censor reviewed such material after the fact. News printed or broadcast abroad may be reported without censorship. During the year, there were instances of newspapers being fined for violating censorship regulations.

The Government generally respected academic freedom; however, ISA approval was needed for appointments of teachers and administrators in Arab schools. In August, members of a Knesset committee reviewing the status of the Arab education system criticized this practice.

b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly and association, and the Government generally respected these rights in practice. ACRI reported that the police confiscated posters from both right and left wing demonstrations during the year, including posters referring to Prime Minister Sharon as a "dictator."

The law provides for the right of association, and the Government generally respected this provision in practice.

c. Freedom of Religion

The law provides for freedom of religion, and the Government generally respected this right. The Basic Law and Declaration of Independence recognize the country as a "Jewish and democratic state," establishing Judaism as the country's dominant religion. Civil rights NGOs have accurately charged the Government with the discriminatory allocation of state resources favoring Orthodox Jewish institutions.

Religious communities are conferred recognition under the law, enabling them to exercise legal authority over their members in personal status matters, such as marriage and divorce. These communities included the Eastern Orthodox Church, several Catholic orders, Maronites, and Jews. Three additional communities have been recognized—the Druze, the Evangelical Episcopal Church, and the Baha'i. Several religious communities are not recognized, including Protestant groups. Unrecognized communities may practice their religion freely and maintain communal institutions, but are ineligible to receive government funding for religious services.

The fact that there was no recognized Muslim community is a vestige of the Ottoman period, during which time Islam was the dominant religion, and did not affect the rights of Muslims to practice their faith. Legislation enacted in 1961 afforded the Muslim courts exclusive jurisdiction to rule in matters of personal status concerning Muslims. Secular courts have primacy over questions of inheritance, but parties, by mutual agreement, may bring cases to religious courts. Muslims, since 2001, also have the right to bring matters such as alimony and property division associated with divorce cases to civil courts in family-status matters.

Under the Law of Return, the Government grants citizenship and residence rights to Jewish immigrants and their immediate family members. In May, the High Court held that non-Jews who immigrate to the country and then convert according to Orthodox requirements are eligible to become citizens pursuant to the Law of Return. The court let stand the State's practice of not recognizing conversions to Judaism performed in the country by non-Orthodox rabbis.

In December, ACRI released a report charging that the Ministry of Interior's Population Authority sought to prevent non-Jews--particularly spouses of Israeli citizens--from obtaining residential status.

Many citizens objected to exclusive Orthodox control over religious aspects of their personal lives. Approximately 300,000 citizens who immigrated under the Law of Return are not considered Jewish by the Orthodox Rabbinate. These immigrants cannot be married, divorced, or buried within the country. A 1996 law requiring the Government to establish civil cemeteries has not been implemented adequately. Non-Jews and Jews who wish to marry in Reform, Conservative, or secular ceremonies must do so abroad.

Non-Orthodox Jews faced greater difficulties than Orthodox Jews in adopting children. In December, on petition of the Israeli Religious Action Center (IRAC), the High Court of Justice ordered the Government to justify the Adoption Service of the Ministry of Social Affairs' practice of placing non-Jewish children only in Orthodox Jewish homes.

According to IRAC, the budget for Jewish religious services, institutions, and schools for the year was approximately \$450 million (1.9 billion New Israeli shekels (NIS)), and virtually none of this went to non-Orthodox institutions. Also according to IRAC, the budget for the non-Jewish population was approximately \$9 million (40 million NIS)--2 percent of the budget for 18 percent of the population.

Muslim groups complained that the Government does not equitably fund the construction and upkeep of Muslim holy sites in comparison to Jewish Orthodox sites. It charged that the Government was reluctant to refurbish mosques in areas where there is no longer a Muslim population and has allowed mosques to be used for nonreligious purposes. The 1967 Protection of Holy Sites Law protects all holy sites, but the Government has only issued implementing regulations for Jewish sites. In November, Adalah petitioned the Supreme Court to compel the Government to issue regulations to protect Muslim sites, charging the Government's failure to implement regulations had resulted in desecration and the conversion of some into commercial establishments, including bars.

Since 2000, the Government no longer requires Israeli Muslims to obtain permission from the Interior Ministry to travel to Saudi Arabia on the Hajj.

During 2003, the Government refused to grant residence visas to approximately 130 Catholic clergy assigned by the Vatican to the country and the occupied territories. According to representatives of Christian institutions, the process of visa issuance for religious workers significantly improved during the year. The Interior Ministry's Christian Department reported it had approved most of the 3,000 applications made by clergy during the year.

During the year, there were reports that airport immigration deported non-Jews with mutilated passports, whereas Jews with damaged travel documents were allowed entry.

Missionaries were allowed to proselytize, although the Church of Jesus Christ of Latter-day Saints voluntarily refrained from doing so under an agreement with the Government. There were incidents of societal religious intolerance. In October, a yeshiva student spat at the Armenian archbishop of Jerusalem. The student was arrested and ordered to remain away from the Old City for 75 days. He also made a formal apology. There were incidents where ultra-Orthodox Jews threw rocks at motorists to protest their driving on the Sabbath.

In January, the Government recognized the duly elected Greek Orthodox Patriarch, Eirinaios I; however, a legal challenge delayed implementation until March. Eirinaios I was elected in 2001, but had been unable to conclude financial or legal arrangements on behalf of the Patriarchate. However, he had been free to travel to the West Bank and Syria, where he is also the ecclesiastical authority.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights and the Government generally respected them in practice for citizens. (Restrictions on movement within the occupied territories, between the territories and Israel, and the construction of a security barrier are discussed in the annex.)

Citizens generally were free to travel abroad and to emigrate, provided they had no outstanding military obligations and were not restricted by administrative order. Pursuant to the 1945 State of Emergency Regulations, the Government may bar citizens from leaving the country based on security considerations. In April, the Government released Mordechai Vanunu after he served 18 years in prison for revealing details of the country's nuclear program to a British newspaper, the Sunday Times. Upon release, the Government prohibited Vanunu from going within 500 meters of airports and overland border crossings, and from entering any foreign diplomatic offices. Citing security concerns, the Minister of Interior barred Vanunu from leaving the country for 12 months. On December 24, Vanunu was detained at a checkpoint when he attempted to travel to Bethlehem for midnight mass; he was released the next day (see Section 2. a.)

Citing confidential security reasons, in 2002, the Government imposed and renewed 6-month bans on foreign travel for Sheikh Raed Salah, leader of the Northern Branch of Israel's Islamic Movement. In May 2003, Sheikh Salah was arrested for allegedly providing funds to terrorist groups. His trial was ongoing during the year.

Citizens, including dual nationals, are required to enter and leave the country using their Israeli passports only. In addition, no citizen or passport holder is permitted to travel to countries officially at war with Israel without special permission from the Government.

Advocacy groups challenged the 2003 temporary Citizenship and Entry into Israel Law, which bars Palestinians from the occupied territories from acquiring residence or citizenship rights through marriage to Israelis or to Palestinian residents of Jerusalem. These groups claimed that the law has a disproportionate adverse effect on the country's Arab citizens and residents (see Section 5).

In 2002, the police confiscated the passport of Archimandrite Attallah Hanna, a citizen and a priest with the Greek Orthodox Patriarchate, for allegedly visiting Lebanon without permission and for making public statements hostile toward Israel while there. The case against Hanna was closed in January after Hanna signed a declaration renouncing terrorism. At year's end, Hanna claimed that he had not received a response to his application for a passport.

The law prohibits forced exile of citizens, and the Government generally respected this prohibition in practice.

The Government provides refugees all the protections under the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol and has established a system whereby persons can apply for refugee status. Palestinians were considered under the protection of the U.N. Relief and Works Agency for Palestine Refugees and therefore not eligible for refugee status in the country.

The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting Jewish refugees. The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 Convention or 1967 Protocol. The Government provided temporary humanitarian protection to persons from "conflict countries," including Sierra Leone, Liberia, Cote d'Ivoire, and the Democratic Republic of the Congo.

Some individuals present on tourist or work visas, or illegally, filed petitions with the local UNHCR representative seeking refugee status. The UNHCR referred eligible refugee applicants to the National Status Granting Body (NSGB), a committee consisting of representatives of the Justice, Foreign, and Interior Ministries. The NSGB issued recommendations, with the Ministry of Interior making final adjudication on refugee status. The Tel Aviv University Refugee Rights Clinic charged that the NSGB's procedures were not transparent, that it did not publish data, and that applicants who were denied status by the NSGB often were not given a reason for the denial.

The Government did not return those denied refugee status to their home countries against their will. According to the Tel Aviv University Clinic, some of those denied refugee status could remain in detention facilities for months. In the case of asylum seekers from countries with which Israel was at war, the Government attempted to find a third country to accept them. The Government provided asylum seekers with temporary work permits, but it did not provide them with social benefits. If a person was granted refugee status, it was government policy to grant renewable temporary visas.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage for adult citizens. National elections were held in January 2003, when the Likud Party led by Ariel Sharon again won a plurality of Knesset seats, and Sharon was asked to form a Government of which he became Prime Minister. The country is a parliamentary democracy with an active multiparty system in which political views are wide ranging. Relatively small parties, including those whose primary support was among Israeli Arabs, regularly win seats in the Knesset. Elections are by secret ballot.

In March, the State Comptroller discovered the names of 2,298 citizens age 110 or over in the voter registry, and determined that ballots had been cast in the names of some of these individuals. The Comptroller recommended that the Ministry of Interior investigate the registry's data to prevent fraud.

The Basic Law prohibits the candidacy of any party or individual who denies the Jewish character and democratic existence of the State of Israel, incites racism, or supports in action or speech the armed struggle of enemy states or terror organizations. Prior to the 2003 election, there were efforts to disqualify Arab candidates under the provisions of this law; however, they were overturned by the Supreme Court.

In June, the Attorney General exonerated Prime Minister Sharon of allegations that he accepted bribes while serving as foreign minister in 1999. The Attorney General continued to review the Prime Minister's connections to the so-called "Cyril Kern Affair," in which he was alleged to have engaged in questionable financial dealings to refund illegal campaign contributions.

On July 11, the Prime Minister dismissed Minister of Infrastructure and Knesset Member Josef Paritzky from his cabinet seat after Channel 1 Television broadcast a tape of Paritzky allegedly plotting with a private detective to defame a party rival.

In September, Knesset Member Tzachi Hanegbi was suspended from his post as Minister of Public Security, pending a criminal investigation into allegations he made inappropriate political appointments while serving as environment minister from 2001-03. At year's end, there had been no further developments.

There was an increasing public perception of corruption in the executive and legislative branches.

A 2000 law affords the public access to government information, and citizens could petition for such access. According to the Association for Civil Rights in Israel, the Government does not effectively implement its freedom of information act; consequently, information was not always easy to obtain.

There were 18 women in the 120-member Knesset, and women chaired 6 of the Knesset's 21 committees, including the Committee on the Status of Women. There were 3 women in the Cabinet and 6 women on the 14-member High Court of Justice. There were 11 Arabs, including 2 Druze, in the 120-member Knesset; most of these 11 represented parties that derived their support largely or entirely from the Arab community. In March, for the first time since the establishment of the State, an Arab was appointed as a permanent justice to the High Court of Justice. No Muslim or Druze citizens served on the court.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Following a visit in November 2003, the World Organization Against Torture and the International Federation for Human Rights concluded in a study that human rights groups were able to perform a full range of investigative and protective activities in the country "without major difficulties."

In November 2003, the Ministry of Foreign Affairs established a new liaison unit to develop and maintain relations with international and domestic NGOs, assist domestic NGOs to participate in U.N. and other international fora, and to facilitate international NGOs' visits to the country.

During the year, the Ministry of Interior, operating under a 2002 order, barred entry to all foreign nationals affiliated with certain Palestinian human rights NGOs and solidarity organizations. In July, immigration police detained a U.S. citizen for over a month at Ben Gurion Airport on security grounds before a district court ruled that she could enter. The U.S. citizen was affiliated with the International Solidarity Movement, a Palestinian advocacy NGO.

In February, the Ministry of Interior sustained the appeal of Adalah against the decision of the Office of the Registrar of Associations to investigate its activities. The registrar had contended that Adalah exceeded its mandate by associating with a political party and mismanaging its finances.

NGOs must register with the Government by submitting an application and paying approximately \$20 (85 NIS). They operate under the laws for nonprofit organizations. If its application is approved after investigation, the NGO receives a license to operate and must register with the tax office to receive tax-exempt status. Registered NGOs are eligible to receive state funding. Some Israeli-Arab NGOs have complained in the past of difficulties in both registering and receiving state funding.

(See annex regarding NGOs in the occupied territories.)

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination on the basis of sex, marital status, race, political beliefs, or age. Local human rights groups believed that often these laws were not enforced, either due to institutionalized discrimination or lack of resources.

Women

The Equality of Women Law provides for equal rights for women in the workplace, the military, education, health, housing, and social welfare, and entitles women to protection from violence, sexual harassment, sexual exploitation, and trafficking; however, violence against women was a problem. According to an annual government report released in March, approximately 140,000 women—almost 12 percent of the country's adult women population—reported that they suffered from spousal abuse in 2003. The Ministry of Welfare and several Knesset committees, including the Domestic Violence Committee, have taken steps to address this problem. A wide variety of women's organizations and hotlines provided services to abused women. One organization reported that it handled approximately 1,300 hotline calls regarding domestic violence in 2003 with calls from women double those from men.

Rape is illegal; NGOs considered the incidence of rape a matter of concern.

In 2001, the Government enacted the Prevention of Stalking Law and amended the Prevention of Family Violence Law to require a number of public and private sector professional personnel to inform suspected victims of their right to turn to the police, welfare service, or Centers for the Prevention of Domestic Violence for assistance. There were no accurate statistics regarding the extent of sexual harassment in the workplace, although there was a dramatic increase in the number of complaints following the enactment of the 1998 law prohibiting sexual harassment. According to a government report issued in July, the 65 cases of sexual harassment recorded in 2003 in the public sector resulted in 12 employees facing internal disciplinary action (warnings) and 2 male employees being forced to resign. Currently, 13 public employees accused of harassment face trial.

According to IDF data, 358 soldiers complained of sexual harassment during the year, an increase of 3 percent from 2003. Male soldiers made 14 of the complaints.

In 2003, a women's organization reported three cases of Arab women killed by male relatives in "honor" cases, and that a Bedouin women's organization suspected 10 cases of women disappearing in the Negev to involve honor killings. There was no accurate estimate of the number of family honor cases as families often attempted to cover up the cause of such deaths.

Prostitution is not illegal; however, the operation of brothels and organized sex enterprises is outlawed.

The law provides for class action suits and requires employers to provide equal pay for equal work, including benefits and allowances; however, women's rights advocates claimed that significant wage gaps remained. According to figures published in March by the Central Bureau of Statistics, men's wages in 2002 were 23 percent higher than women's earnings. Women make up 56 percent of the bottom echelon of wage earners, but they are only 34 percent of the top echelon.

Religious courts adjudicate personal status law. Jewish and Muslim women are subject to restrictive interpretations of their rights in both systems. Jewish women are not allowed to initiate divorce proceedings without their husbands' consent. Consequently, there were estimated to be thousands of so-called "agunot" who may not remarry or have legitimate children because their husbands either disappeared or refused to grant divorces. Rabbinical tribunals may sanction husbands who refuse to divorce wives. A foreign man was jailed for over 2 years because he refused to grant his wife a writ of divorce. Some Islamic law courts in the country have held that a Muslim woman may not request a divorce, but that a woman may be forced to consent if a divorce is granted to the husband.

Children

Government spending on children was proportionally lower in predominantly Arab areas than in Jewish areas. In December 2003, the Child Welfare Council of Israel published a report that children in the country were growing poorer, and increasingly falling victim to violence, sexual exploitation, and drug and alcohol addiction. In November, the National Insurance Institute's (NIS) annual report on poverty showed that approximately 680,000 children, or 30 percent of the total child population, lived below the poverty line in 2003. However, some economists disputed the NIS' definition of poverty as overly broad. In October the Eli child protection organization reported to a Knesset committee that in 2003 it addressed 3,599 child abuse cases, as compared to 699 in 2000. The group attributed the increase in part to a new law requiring reporting of such abuse. The group claimed that child abuse cases in the country increased five-fold after 2000.

On February 9, Elem, an NGO that aids troubled youth, estimated that there were more than 1,000 women under the age of 18 who work as prostitutes.

Education is compulsory until the child reaches the 10th grade.

The Government operated two school systems: One for secular Jews and Arabs, and one for Orthodox Jews. Ultra-Orthodox Jewish schools, while not a part of the public system, also received government funding. In December, the National Task Force for the Advancement of Education in Israel (the Dovrat Committee) issued a report including recommendations that would affect ultra-Orthodox schools. Ultra-Orthodox political parties, such as the United Torah Judaism, opposed interference by the Government in its school system.

Most Jewish children attended schools where the language of instruction was Hebrew and the curriculum included Jewish history. Most Israeli-Arab children chose schools where the language of instruction was Arabic and the curriculum had less of a Jewish focus. Israeli-Arab advocacy groups charged that Arab children received an education inferior to that of Jewish children in the secular system.

According to the Government's February 2002 report to the U.N., government investment per Arab pupil was approximately 60 percent of investment per Jewish pupil.

High school graduation rates for Arabs were significantly lower than for Jews. According to an Israeli-Arab advocacy group, the percentage of Jews beginning university studies was 21.5 percent compared with 11.5 percent of those defined as "members of other religions," mostly Arabs. Preschool attendance for Bedouin children was the lowest in the country, and the dropout rate for Bedouin high school students was the highest. Arab members of the Knesset have criticized the lower academic achievements of Arab students and stated that this was an indication of discrimination in the system.

The Government has legislated against sexual, physical, and psychological abuse of children and has mandated comprehensive reporting requirements. The sharp increase in reported cases of child abuse in recent years, activists believed, was due to increased awareness rather than a growing pattern of abuse. There were five shelters for children at risk of abuse.

Trafficking in Persons

The law prohibits trafficking in women for the purpose of sexual exploitation; however, trafficking of women for prostitution remained a serious problem. Trafficking in foreign labor has also been a problem. The penal code stipulates that it is a criminal offense, punishable by between 4 and 20 years imprisonment, to coerce a person to engage in prostitution and makes it a crime to induce a woman to leave the country to "practice prostitution abroad."

The operation of brothels and "organized sex enterprises" is outlawed, as are many of the abuses committed by traffickers and procurers, such as assault, rape, abduction, and false imprisonment; however, brothels operated in several major cities. The law guarantees foreign laborers legal status, decent working conditions, health insurance, and a written employment contract;

however, some foreign laborers entered the country under conditions that constituted trafficking. Numerous reports documented foreign laborers living in harsh conditions, subjected to debt bondage, and restricted in their movements.

Organized crime groups trafficked women primarily from the former Soviet Union, sometimes luring these women by offers of service jobs. Foreign laborers came mainly from Southeast Asia, East Asia, Africa, Turkey, Eastern Europe (Romania), and South and Central America. Some women were sold to brothels, forced to live in harsh conditions, subjected to beatings and rape, and reportedly forced to work off transportation costs and other "debts" through sexual servitude. In September, police arrested 40 suspected members of a Russian-Israeli prostitute smuggling ring which, according to a major media report, the police believed had brought hundreds of women into the country over the past decade. According to local NGOs, several hundred women are trafficked into the country annually, but the number decreased from previous years because of increased airport security.

During the year, the Government strengthened its laws for fighting trafficking and established a new border police unit to combat smuggling of persons and drugs across the border with Egypt. A 2003 law provides minimum sentencing requirements for convicted sex traffickers. During the year, the Government filed 89 indictments for trafficking. Also, the police conducted 50 criminal investigations of trafficking and 516 involving related offenses. During the year, the police arrested 103 persons for trafficking, 69 of whom were denied bail. The prosecution division of the Ministry of Trade and Labor filed 309 criminal indictments against employers and manpower firms for violations of labor laws concerned with employment of foreign workers. The Government received 88 judgments against violators during the year, for a combined sum in criminal fines of approximately \$3 million (13.5 million NIS).

The Government investigated allegations that individual police officers engaged in misconduct, including taking bribes or tipping off brothels of raids, but these instances of corruption were not widespread.

In February, the Government opened a new, 50-person-capacity shelter for trafficking victims. As of the end of the year, it was almost filled to capacity, and NGOs claimed that additional shelters were needed. The Government continued to provide some victims with lodging in police-funded hostels, minimal financial assistance, and access to medical care. Trafficking victims who are willing to assist in prosecuting traffickers, are not prosecuted or fined for illegal entry or for the possession of fraudulent documents, and receive visas and permits. According to the Government, during the year, 108 trafficking victims chose to testify, compared to 81 victims in 2003. In August 2003, the State Attorney's office, the police, and the Knesset urged the courts to speed up the process of taking testimony from trafficking victims; the law stipulates that testimony must be taken within 2 months of the indictment of suspected traffickers, but some victims have waited as long as 18 months.

In comparison with previous years, the Government increased its campaign to combat trafficking, and cooperated with local NGOs to launch an information campaign in countries of origin. With assistance of NGOs, the Government distributed brochures through its embassies in such source countries as Moldova and Uzbekistan, warning potential victims of the threat.

Persons with Disabilities

The Government provided a range of benefits, including income maintenance, housing subsidies, and transportation support for persons with disabilities, who constituted approximately 2.4 percent of the population. Existing antidiscrimination laws do not prohibit discrimination based on disability, and persons with disabilities continued to encounter difficulties in areas such as employment and housing. A law requiring access to public buildings for persons with disabilities was not widely enforced and accessibility of public transportation was not legally mandated. A 2002 survey of buildings by the Commissioner for Equality for the Disabled indicated that most building owners have ignored access laws for persons with disabilities. The commissioner also accused the Government of not adequately providing for the employment needs of the persons with disabilities, despite legal requirements to do so. In December 2003, the Attorney General told the Knesset committee that laws protecting and assisting persons with disabilities were not being implemented due mainly to a lack of funding.

National/Racial/Ethnic Minorities

The Orr Commission of Inquiry's report (see Section 1.a.) stated that the "Government handling of the Arab sector has been primarily neglectful and discriminatory," that the Government "did not show sufficient sensitivity to the needs of the Arab population, and did not take enough action to allocate state resources in an equal manner." As a result, "serious distress prevailed in the Arab sector in various areas. Evidence of distress included poverty, unemployment, a shortage of land, serious problems in the education system, and substantially defective infrastructure."

In June, the Government adopted the proposals of a special ministerial committee on implementing the Orr Commission's recommendations, including the establishment of a government body to promote the Arab sector, the creation of a volunteer, national civilian service program for Arab youth, and the creation of a day of national tolerance. At year's end, the Government had not implemented these proposals.

In December, the Knesset established a new subcommittee charged with monitoring the needs of the Israeli-Arab sector and advocating necessary alterations in the budget. The subcommittee is to be chaired by an Israeli-Arab Knesset member.

In November, the Israeli-Arab advocacy NGO Sikkuy's annual report stated that 45 percent of Arab families were poor, in

contrast to 15 percent of Jewish families, and that the rate of infant mortality in the Arab sector was 8 out of 1,000 births--twice that of the Jewish population. According to Human Rights Watch, during the year, the Government provided 1 teacher for every 16 Jewish primary school children compared to 1 teacher for every 19.7 Arab children.

According to a report by Mossawa, racist violence against Arab citizens has increased, and the Government has not done enough to prevent this problem. The annual report cited 17 acts of violence by Jewish citizens against Arab citizens. In October, police arrested two 15-year-old boys for allegedly assaulting and harassing Arabs several months earlier. The two youths reportedly have admitted to the allegations against them. Advocacy groups charged government officials with making racist statements. In December, Knesset member Yehiel Hazan likened Arabs to "worms" in a speech in the Knesset on a terrorist attack. The Attorney General declined to open investigations into incitement by several public figures, including Hazan.

In June, the Jerusalem District Court filed six indictments against fans of a local soccer team for shouting "death to the Arabs" at the local stadium. In May, then-Transportation Minister Avigdor Lieberman publicly advocated the transfer of Israeli-Arab communities to the occupied territories. A Haifa University poll released in June revealed that over 63 percent of Jews believed that the Government should encourage Israeli Arabs to emigrate.

Approximately 93 percent of land in the country was public domain, including that owned by the state and some 12.5 percent owned by the Jewish National Fund (JNF). All public land by law may only be leased, not sold. The JNF's statutes prohibit the sale or lease of land to non-Jews. In October, civil rights groups petitioned the High Court of Justice claiming that a bid announcement by the Israel Land Administration (ILA) involving JNF land was discriminatory in that it banned Arabs from bidding. The ILA halted marketing JNF land in the North and the Galilee. In December, Adalah petitioned the High Court to annul definitively the ILA policy. At year's end, there had been no court action.

The Jewish community of Katzir had refused to provide an Israeli-Arab family, the Ka'adans, with title to a plot of land. In 2000, the High Court of Justice ruled that the Government cannot discriminate against Israeli Arabs in the distribution of State resources, and that the ILA must provide the Ka'adans with the plot they wanted to buy. According to ACRI, the Ka'adans will be able to sign a lease upon payment of a development fee to the local municipality.

Israeli-Arab advocacy organizations have challenged the Government's policy of demolishing illegal buildings in the Arab sector, and claimed that the Government was more restrictive in issuing building permits in Arab communities than in Jewish communities, thereby not accommodating natural growth. In February, security forces demolished several homes allegedly built without authorization in the Arab village of Beineh (see Section 1.c.). The Orr Commission found that "suitable planning should be carried out [in the Arab sector] as soon as possible to prevent illegal construction..." A ministerial committee, created to advise the Government on implementing the Orr Commission recommendations, called on the ILA to complete master plans for Arab towns, some half of which currently lack such plans. In towns without plans, and in 46 unrecognized Bedouin villages, building permits are not legally available. Israeli-Arab advocacy organizations have challenged the Government's plan to demolish more illegal buildings in areas in which it is not possible to obtain building permits.

In June, the Supreme Court ruled that omitting Arab towns from specific government social and economic plans is discriminatory. This judgment builds on previous assessments of disadvantages suffered by Arab Israelis.

Israeli-Arab organizations have challenged as discriminatory the 1996 "Master Plan for the Northern Areas of Israel," which listed as priority goals increasing the Galilee's Jewish population and blocking the territorial contiguity of Arab towns. Objections were presented at a hearing in March 2003, but there was no response from the National Council for Building and Planning. The plan had not been implemented at year's end.

On February 25, security forces demolished several homes in the Arab village of Beineh, claiming that the houses were built illegally. Adalah filed a complaint in April with the Ministry of Justice charging that security forces assaulted residents of Beineh in their homes and caused widespread property damage during the demolitions. At year's end, the Justice Ministry was still investigating the incident.

Israeli Arabs were underrepresented in the student bodies and faculties of most universities and in higher professional and business ranks. The Bureau of Statistics noted that the median number of school years for the Jewish population is 3 years more than for the Arab population. Well educated Arabs often were unable to find jobs commensurate with their level of education. According to Sikkuy, Arab citizens held approximately 60 to 70 of the country's 5,000 university faculty positions. A small number of Israeli Arabs have risen to responsible positions in the civil service, generally in the Arab departments of government ministries. In September 2003, the Government approved an affirmative action plan to promote the hiring of Israeli Arabs in the civil service. However, according to Civil Service Commission data, only 5.05 percent of civil servants are Arab or Druze and only 193 of the 4,531 civil servants hired in 2003 were non-Jewish.

In January, in order to implement a 2000 law requiring that minorities be granted "appropriate representation" in the civil service and on the boards of government corporations, Prime Minister Sharon mandated that every state-run company's corporate board must have at least one Arab member by August. In June, the media reported that the number of Arabs sitting on the boards of state corporations actually had declined. According to data from the Government Companies Authority, Arabs were only 36 out of the 544 board members of state-run companies.

Israeli Arabs continued to complain of discriminatory treatment at the airport. In February, Ben Gurion Airport security officials singled out the editor of an Arab weekly, Lutfi Mashour, from his Jewish colleagues for additional security checks before he could join the press entourage, whose individual members President Moshe Katsav had invited to accompany him to Paris. Mashour refused to subject himself to the checks, and security officials prevented him from accompanying the President.

Israeli Arabs were not required to perform mandatory military service and, in practice, only a small percentage of Israeli Arabs served in the military. Those who did not serve in the army had less access than other citizens to social and economic benefits for which military service was a prerequisite or an advantage, such as housing, new-household subsidies, and employment, especially government or security-related industrial employment. Regarding the latter, for security reasons, Israeli Arabs generally were restricted from working in companies with defense contracts or in security-related fields. In December, the Ivri Committee on National Service issued official recommendations to the Government that Israel Arabs not be compelled to perform national or "civic" service, but be afforded an opportunity to perform such service.

The Israeli Druze and Circassian communities were subject to the military draft, and the overwhelming majority accepted service willingly. Some Bedouin and other Arab citizens who were not subject to the draft served voluntarily.

The Bedouin sector was the weakest of all the population groups in the country. The COI report called for "special attention" to the living conditions of the Bedouin community. Approximately 140,000 Bedouin live in the Negev; half in 7 state-planned communities, and the rest in 46 unrecognized settlements. The recognized Bedouin villages received basic services, but remained among the poorest communities in the country. According to a media report, some "60 percent of the community's babies are not inoculated, the school dropout rate is exceedingly high, and 31 percent of school-age children in unrecognized settlements are illiterate." According to PHR, the unrecognized villages were not connected to national infrastructure and lacked basic services.

In March, the Supreme Court issued a temporary injunction to prevent the ILA from spraying herbicide on Bedouin crops in unrecognized villages. Adalah alleged that the herbicide has caused adverse health effects; the ILA claimed that the crops were planted illegally on state-owned land.

During the year, the Government began to implement a plan to relocate Bedouin living in unrecognized villages to seven new townships. Nearly two-thirds of the plan's \$225 million (1 billion NIS) allocation is earmarked for "environmental law enforcement in the Negev," which included resources for crop-spraying and home demolitions.

Government planners noted that funds to complete the seven new townships were far from sufficient, and that the average Bedouin family did not have adequate funds to purchase a home there. Clashes between authorities and residents of unrecognized villages have escalated over the past year, resulting in one Bedouin resident of the village of Atir killed during a clash with a government home-demolition unit.

In July, the Government extended for 6 months the 2003 Citizenship and Entry into Israel Law, which bars Palestinians from the occupied territories from acquiring residence or citizenship rights through marriage to Israelis. Several civil rights groups petitioned the High Court arguing that the law has a disproportionate effect on the country's Arab citizens. The ISA recommended the law based on its allegation that in some 20 cases Palestinian spouses of Arab citizens were involved in terrorist activity. Advocacy groups stated that approximately 16,000 residency applications have been affected. In August, the Attorney General informed the court that the Government may amend the law in February 2005 to widen exceptions to the ban. In December, the court ruled that it would wait to review these amendments before ruling on the legality of the law.

Other Societal Abuses and Discrimination

In June, bystanders verbally harassed participants in a gay pride parade in Jerusalem. At the same time, a photograph and the telephone number of a homosexual Jerusalem city council member was plastered on that city's billboards along with accusations that he would bring disaster to Jerusalem. Anonymous callers threatened to bomb the parade; however, there was no violence.

In 2003, the Association of Gay Men, Lesbians, Bisexuals, and Transgendered in Israel complained of several incidents in which police allegedly engaged in verbal and physical harassment of homosexuals in a Tel Aviv public park. Representatives of that organization subsequently met with the police to discuss ways to improve relations, and the police appointed contact persons in all police districts who serve as liaisons to the homosexual community. No similar complaints were reported during the year.

Section 6 Worker Rights

a. The Right of Association

Citizen workers may join and establish labor organizations freely. Most unions belong to Histadrut (the General Federation of Labor in Israel) or to a much smaller rival federation, the Histadrut Haovdim Haleumit (National Federation of Labor). These organizations are independent of the Government. Histadrut members elect national and local officers and officials of its affiliated women's organization, Na'amat, from lists of those already in the union. Plant or enterprise committee members are elected individually. Approximately 650,000 workers were members of Histadrut during the year, and much of the non-Histadrut

work force was covered by Histadrut's collective bargaining agreements.

Nonresident workers, including Palestinians from the West Bank and Gaza Strip, were not able to join Israeli trade unions or organize their own unions in Israel. Nonresident workers in the organized sector were entitled to the protection of Histadrut work contracts and grievance procedures. They may join, vote for, and be elected to shop-level workers' committees if their numbers in individual establishments exceed a minimum threshold. Palestinian participation in such committees was minimal.

Labor laws apply to Palestinians holding East Jerusalem identity cards and to the Syrian Druze living on the Golan Heights.

Unions were free to affiliate with international organizations.

b. The Right to Organize and Bargain Collectively

Citizen workers exercised their legal rights to organize and bargain collectively. The law specifically prohibits antiunion discrimination. No antiunion discrimination was reported.

Nonresident workers could not organize their own unions or engage in collective bargaining, but they were entitled to be represented by the bargaining agent and protected by collective bargaining agreements. The country's immigration officials estimated there were approximately 200,000 foreign workers in the country. They did not pay union dues, but were required to pay an agency fee in lieu of dues, which entitled them to union protection by Histadrut's collective bargaining agreements. The Ministry of Labor has the authority to extend collective bargaining agreements to nonunionized workplaces in the same industrial sector. The Ministry of Labor also oversaw personal contracts in the unorganized sectors of the economy.

The right to strike was exercised regularly. Unions must provide 15 days' notice prior to a strike. The law protected strike leaders--even those organizing illegal strikes. If essential public services are affected, the Government may appeal to labor courts for back-to-work orders while the parties continue negotiations. Worker dismissals and the terms of severance arrangements often were the central issues of dispute. During the year, there were several major strikes of municipal workers. For example, on September 21, Histadrut called a nationwide strike over unpaid public sector wages to some 20,000 local government workers, reportedly involving 400,000 workers. Agreement was reached whereby the Government would pay grants to the local authorities in accordance with a recovery plan. During July, the port workers conducted strikes over a period of weeks to protest the Government's intentions to implement port reforms. In July, the country's Manufacturers Association reported that the strikes had caused approximately \$400 million (2 billion NIS) in economic damages.

There are no export processing zones. In December, the country signed an agreement with Egypt to establish a "Qualified Industrial Zone" (QIZ), which creates duty-exempt zones to facilitate joint manufacturing between Israel and Egypt for exports to the United States. Egyptian labor laws apply since the factories are located in Egypt. A comparable QIZ was established with Jordan in 1998.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred for citizens or nonresident Palestinians working in Israel; however, civil rights groups charged that unscrupulous employers often took advantage of illegal workers' lack of status to hold them in conditions that amount to involuntary servitude (see Section 6.e.).

Women were trafficked for the purpose of prostitution (see Section 5, Trafficking).

d. Prohibition of Child Labor and Minimum Age for Employment

Children at least 15 years old, who have completed their education up to grade 10, may be employed as apprentices only, according to the Apprenticeship Law. Children who are 14 years old may be employed during official school holidays in light work that will not harm their health. Working hours of those 16 to 18 years of age are restricted to ensure time for rest and education. The Government enforced these restrictions in practice.

No reliable data existed regarding illegal child workers, although it is believed they exist to a small degree, primarily in urban, light industry. Previously, there were reports of illegal child labor in the country's undocumented Palestinian population; however, with the greatly reduced Palestinian workforce, such reports could no longer be confirmed.

e. Acceptable Conditions of Work

The minimum wage was calculated periodically and adjusted for cost of living increases. During the year, the minimum wage was approximately 47.8 percent of the average wage. At year's end, the minimum wage was approximately \$900 (3,335 NIS) per month. During the year, the minimum wage often was supplemented by special allowances for citizens and was considered by the Government to be sufficient to provide a citizen worker and family with a decent standard of living. Some union officials

and social commentators disputed that. Union officials expressed concern over enforcement, particularly with respect to employers of illegal nonresident workers.

By law, the maximum hours of work at regular pay are 42.5 hours a week, 8 hours a day, and 7 hours in night work on the day before the weekly rest. That rest period must be at least 36 consecutive hours and include the Sabbath for Jews and a choice of Friday, Saturday, or Sunday for non-Jews.

Employers must receive a government permit to hire Palestinian workers from the occupied territories, and, to do so, must make a case that no citizen is available for the job. All Palestinians from the occupied territories working legally in Israel were employed on a daily basis and, unless they were employed on shift work, were not authorized to spend the night in Israel. Palestinians without valid work permits were subject to arrest.

Palestinian employees, whose Israeli employers recruited them through the Ministry of Labor, received their wages and benefits through that ministry. Palestinian workers were not eligible for all National Insurance Institute (NII) benefits although the ministry deducted a union fee and required contributions to the NII. Palestinians, paid through the Labor Ministry, continued to be entitled to maternity leave and were insured for injuries suffered while working in the country and for any wages lost by bankruptcy of a worker's employer. They did not, however, receive unemployment insurance, general disability payments, or low-income supplements. Palestinians, who were not employed through the Labor Ministry, were paid directly by their Israeli employers.

Since 1993, the Government has agreed to transfer the NII fees collected from Palestinian workers to the Palestinian Authority (PA), which was to assume responsibility for all the pensions and social benefits of Palestinians working in Israel. According to the Government, these funds were unfrozen and transferred to the PA at the beginning of 2003, when mechanisms for transferring the funds and mechanisms for providing these services in the PA controlled territories were established.

Following the outbreak of violence in 2000, the Government implemented a closure policy on the occupied territories, which prevented nearly all Palestinians from getting to their places of employment in Israel (see Section 2.d.). As of midyear, the Government issued approximately 15,000 work permits for Palestinian day laborers, of which approximately 12,500 were used by Palestinians to cross into Israel.

Along with union representatives, the Labor Inspection Service enforced labor, health, and safety standards in the workplace, although resource constraints, such as insufficient staffing, affected overall enforcement. Legislation protects the employment rights of safety delegates elected or appointed by the workers. In cooperation with management, these delegates were responsible for safety and health in the workplace.

Workers did not have the legal right to remove themselves from dangerous work situations without jeopardy to continued employment. However, collective bargaining agreements provided some workers with recourse through the work site labor committee. Any worker may challenge unsafe work practices through government oversight and legal agencies. Continuing NGO and police reports charged that illegal workers often lived in situations amounting to involuntary servitude, due primarily to their tenuous legal status and lack of recourse. NGOs noted cases in which the police injured foreign workers during arrest. In July, the immigration police reportedly raided a factory on Kibbutz Ramat Hakovesh and found eight allegedly illegally employed Thai workers living in harsh conditions.

Public debate continued regarding the role in the workplace and society of non-Palestinian foreign workers, whom the Government estimated as approximately 189,000 at the end of 2003. According to the Government, most of these workers entered the country illegally or overstayed their visas, with illegal migrant workers reaching 104,000. The Government estimated that, during the year, approximately 45,000 illegal migrant workers left the country, with approximately 19,000 deported and the rest departing voluntarily. Currently, the Government estimated that approximately 60,000 to 70,000 workers employed illegally still resided in the country. The majority of such workers came from Eastern Europe and Southeast Asia and worked in the construction and agricultural sectors, and as domestic help. During the year, the Government sought to restrict the entry and stay of new and resident workers.

The law does not permit foreign workers to obtain citizenship or permanent residence status unless they are Jewish.

In May, the Minister of Interior halted the deportation of any illegal foreign workers' children, age 10 and above and who were born and raised in the country, until a ministerial panel formulated a policy for naturalizing children in these circumstances. During the year, the Government allowed over 2,300 foreign laborers to change employers.

NGOs alleged that foreign workers were being lured to the country with the promise of jobs that did not exist. Some foreign workers reportedly paid up to \$10,000 (45,000 NIS) to employment agencies to obtain work permits. According to NGOs, in a significant number of cases workers were dismissed shortly after arriving. Allegedly, the manpower companies worked with deportation authorities to deport the newly arrived workers, who were then replaced by others, earning the companies more fees. NGOs argued that most workers expected to work for some time in the country to recoup their initial payments; those dismissed often sought illegal employment and some committed suicide.

Illegal foreign workers facing deportation were brought before a special court, and workers may contest the deportation orders. Many workers lacked fluency in Hebrew, which hindered the process. In March, in response to judicial criticism about the

protracted detention of foreign workers, the Attorney General directed that detained foreign workers must be brought before the court within 4 days of arrest, and not the 2 weeks stipulated by law. NGOs existed to aid workers facing deportation, and there have been cases in which the worker's status was reinstated. The court also provided a forum where workers subject to deportation orders can lodge claims for unpaid wages or other benefits to which they are entitled by law. Workers were often deported before they could lodge such claims. NGOs noted cases in which the police injured foreign workers during arrest. In some cases, these NGOs claimed, the workers were injured so seriously that they were not ultimately detained, due to the potential cost of care for their injuries and police fears of possible investigation of police misconduct. In 2003, at least one foreign worker killed himself while in detention; however, there were no such cases during the year.

In 2002, the editor of the foreign worker newspaper Manila-Tel Aviv Times was deported shortly after giving interviews to other publications on the subject of foreign worker rights under the law; foreign worker advocates claimed the deportation was politically motivated. During 2003, another reporter from the publication was deported after advising foreign workers in an article on strategies for avoiding detention and deportation. Human rights groups claimed that since foreign worker residency permits were tied to specific employment, even legal foreign workers had little leverage to influence their work conditions. However, there were no comparable deportation actions during the year, and the newspaper continued to operate.

The Occupied Territories (Including Areas Subject to the Jurisdiction of the Palestinian Authority)

Israel occupied the West Bank, Gaza Strip, Golan Heights, and East Jerusalem during the 1967 War. Pursuant to the May 1994 Gaza-Jericho Agreement and the September 1995 Interim Agreement, Israel transferred most responsibilities for civil government in the Gaza Strip and parts of the West Bank to the newly created Palestinian Authority (PA). The 1995 Interim Agreement divided the territories into three types of areas denoting different levels of Palestinian Authority and Israeli occupation control. Since Palestinian extremist groups resumed the use of violence in 2000, Israeli forces have resumed control of a number of the PA areas, citing the PA's failure to abide by its security responsibilities.

The body of law governing Palestinians in the occupied territories derives from Ottoman, British Mandate, Jordanian, and Egyptian law, and Israeli military orders. Laws and regulations promulgated by the PA also are in force. Israeli settlers were subject to Israeli law.

The Palestinian Authority now has a democratically elected President and Legislative Council, which elects a Prime Minister and Cabinet. Following the death of PA Chairman Yasir Arafat on November 11, an election for PA president was scheduled for January 9, 2005. Seven candidates competed in a vigorous election campaign throughout the occupied territories. Municipal elections were held in selected West Bank localities on December 23--the first since 1976. Future rounds of municipal elections were scheduled for 2005. New Palestinian Legislative Council elections were scheduled for July 17, 2005.

Israel exercised occupation authority through the Israeli Ministry of Defense's Office of Coordination and Liaison (MATAK).

Violence associated with the Intifada has claimed the lives of 3,517 Palestinians, according to the Palestine Red Crescent Society (PRCS), 1,051 Israelis, according to the Israeli Ministry of Foreign Affairs website, and 52 foreign nationals, according to B'tselem, an Israeli human rights organization that monitors the occupied territories. During the year, over 800 Palestinians were killed during Israeli military operations in the occupied territories, a total of 76 Israeli civilians and 4 foreigners were killed in terrorist attacks in both Israel and the occupied territories, and 41 members of the Israeli Defense Forces were killed in clashes with Palestinian militants.

The Palestinian security forces included the National Security Forces (NSF), the Preventive Security Organization (PSO), the General Intelligence Service, or Mukhabarat, the Presidential Security Force, and the Coastal Police. Other quasi-military security organizations, such as the Military Intelligence Organization, also exercised de facto law enforcement powers. Palestinian police were normally responsible for security and law enforcement for Palestinians and other non Israelis in PA-controlled areas of the West Bank and Gaza Strip. Palestinian security forces were under the authority of the PA. Members of the PA security forces committed numerous, serious abuses.

Israeli security forces in the West Bank and Gaza Strip consisted of the Israeli Defense Forces (IDF), the Israel Security Agency (Shin Bet), the Israeli National Police (INP), and the Border Police, an operational arm of the Israel National Police that is under IDF command when operating in the occupied territories. Israeli military courts tried Palestinians accused of security offenses. Israeli security forces were under effective government control. Members of the Israeli security forces committed numerous, serious abuses.

The population of the Gaza Strip was approximately 1.4 million, of the West Bank (excluding East Jerusalem) approximately 2.4 million, and of East Jerusalem approximately 414,518, including 177,333 Israelis. The economy of the West Bank and Gaza Strip is small, underdeveloped, and highly dependent on Israel and international assistance. The continuing conflict, including Israeli curfews and closures, severely affected the economy.

The PA's overall human rights record remained poor, and it continued to commit numerous, serious abuses. There were credible reports that PA officers engaged in torture, prisoner abuse, and arbitrary and prolonged detention. Conditions for prisoners were poor. PA security forces infringed privacy and freedom of speech and press. The PA did not take available measures to prevent attacks by terrorist groups either within the occupied territories or within Israel. Impunity was a serious problem. Domestic abuse

of women persisted. Societal discrimination against women and persons with disabilities and child labor remained problems.

There were reports that Israeli security forces used excessive force, abused and tortured detainees. Conditions in permanent prisons met international standards, but temporary facilities were austere and overcrowded. Many Israeli security personnel were prosecuted for committing abuses, but international and Israeli human rights groups complained of lack of disciplinary action in a large number of cases.

The Israeli Government continued construction of a security barrier along parts of the Green Line (the 1949 Armistice line) and in the West Bank. The PA alleged that the routing of the barrier resulted in the taking of land, isolating residents from hospitals, schools, social services, and agricultural property. Israel asserts that it has sought to build the barrier on public lands where possible, and where private land was used, provided opportunities for compensation. Palestinians filed a number of cases with the Israeli Supreme Court challenging the routing of the barrier. In June, the Court ruled that a section of the barrier must be rerouted; determining that the injury caused by the routing of the barrier did not stand in proper proportion to the security benefits; various portions of the barrier route were rerouted. On July 9, the International Court of Justice issued an advisory opinion, concluding that "The construction of the wall built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem... and its associated regime, are contrary to international law."

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

Killings by Palestinian and Israeli security forces and by Israel settlers and Palestinian militant groups remained a serious problem.

'Imran Abu Hamdiyah, a 17-year-old Palestinian, was found dead in Hebron in December 2002. In April 2003, four Israeli Border Police officers were arrested on charges that they had beaten Hamdiyah and then dumped him from their moving vehicle, causing fatal injuries. At year's end, a trial begun in 2003 was reportedly still ongoing.

Three U.S. security personnel in a diplomatic convoy were killed in an attack in October 2003. At year's end, there had been no progress by the PA's investigative team, and the case remains unsolved.

On May 2, Palestinians belonging to the al-Aqsa Martyrs' Brigades and the Islamic Jihad shot and killed Tali Hatuel, an Israeli settler and her four daughters in the Gaza Strip when their car spun off the road after a shooting. An Israeli traveling in a separate car and two IDF soldiers were injured before the gunmen were killed.

On August 2, grenades were thrown into a room holding suspected Palestinian collaborators in the Gaza Central Prison. Two Palestinian prisoners were killed, and six others were injured. Palestinian security officials arrested two policemen, who allegedly had carried out the attack on behalf of Hamas. At year's end, no further legal action had been taken against the two police officers.

On September 20, gunmen belonging to the al-Aqsa Martyrs' Brigades shot and killed Rami Yaghmour near Ramallah, alleging that Yaghmour had collaborated with Israel. The PA security services arrested two persons who were subsequently released.

On September 27, an Israeli settler, Yehoshua Elitzur, shot and killed Palestinian taxi-driver Sa'al Jabara near Nablus. According to witnesses, Elitzur shot Jabara at close range after he had slowed his car to ask whether Elitzur needed assistance. On October 25, Elitzur was indicted in Tel Aviv District Court.

On October 1, according to a Palestinian human rights group, 10 unknown individuals in military uniforms entered the central prison in Nablus and killed 2 prisoners.

On October 7, gunmen belonging to al-Aqsa entered a hospital in Ramallah, kidnapped a Palestinian accused of collaboration, shot him, and left his body on the street.

On October 11, an assailant believed to be an Israeli settler shot and seriously wounded Palestinian farmer Hani Shadeh, 26, after Shadeh engaged in an argument with settlers. Local Palestinians said that settlers had cut down approximately 1,000 olive trees in an effort to drive Palestinians from their farmland.

On October 27, an Israeli settler shot and killed 18-year-old Salman Yussuf Safadi near the settlement of Yizhar. The settler initially claimed that Safadi attempted to enter his home, but later said that the Palestinian was not in his home when he shot him. Settlers placed spikes in the road that prevented an ambulance from reaching Safadi before he died. The Israeli police opened an investigation into both the shooting and the obstruction of the ambulance; however, at year's end, there were no public results.

On December 27, a Palestinian male was found dead outside Ramallah. Al-Aqsa claimed responsibility for killing the suspected collaborator.

b. Disappearance

There were no reports of politically motivated disappearances during the year.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Article 13 of the PA Basic Law prohibits the use of torture or force against detainees; however, international human rights groups stated that the use of torture was widespread and not restricted to those persons detained on security charges.

Torture by PA security forces reportedly was widespread. Documentation of abuses was very limited, due partly to the hesitancy of alleged victims to file or make public claims of torture or abuse against PA authorities. Palestinian security officers have no formal guidelines regarding the proper conduct of interrogations; most convictions were based largely on confessions

Israeli law, as interpreted by a 1999 High Court of Justice decision, prohibited torture and several interrogation techniques, such as violent shaking, holding and tying of prisoner in painful positions, shackling, sleep deprivation, covering the prisoner's head with a sack, playing loud music, and prolonged exposure to extreme temperatures, but allowed "moderate physical pressure" against detainees considered to possess information about an imminent attack. However, CATI and the Physicians for Human Rights in Israel (PHR) reported that techniques prohibited by the law were used against Palestinian detainees during interrogation and that security forces often beat Palestinians during arrest and transport. Israeli law prohibits the admission of forced confessions, but most convictions in security cases were based on confessions made before legal representation was available to defendants.

(A detainee may not have contact with a lawyer until after interrogation, a process that may last weeks. The International Committee of the Red Cross (ICRC) is notified of arrests 12 days after they take place, and the ICRC is allowed to visit detainees 14 days after their arrest.) Detainees sometimes stated in court that their confessions were coerced, but there were no instances when judges excluded such confessions.

In January, at the Huwwara checkpoint, an IDF sergeant handcuffed and beat a Palestinian man in front of his family. The man was then removed to a hut and further beaten. The incident was taped by an IDF video team. The sergeant was convicted by a military judicial panel in September, sentenced to 6 months in jail, and demoted to the rank of private; he also admitted beating at least 8 other Palestinians and smashing windshields of 10 taxicabs from mid-January until the end of February.

On May 23, a PA prison guard at a facility in Jericho severely beat a prisoner with a metal ruler, according to a witness. The witness also saw several other guards and nonuniformed individuals taking part.

On May 24, another witness in the same facility observed a prisoner being beaten with a nightstick. The prison governor claimed that the prisoner had provoked the initial beating by taunting the guards, but he refused to explain the presence of other guards and plainclothes individuals during the beating.

The Public Committee Against Torture in Israel (PCATI) reported that on July 6, a Palestinian inmate at the Gilboa Prison poured a hot substance on an Israeli prison official. In response, prison officials allegedly forced the cellblock inmates to kneel with their hands tied behind their backs and beat them, resulting in numerous injuries. At year's end, PCATI had not received a response from the prison authorities regarding this incident.

On September 26, the Israeli Justice Ministry filed indictments against five Border Policemen accused of severely abusing two Palestinians detained for lacking the necessary permits in Abu Dis earlier in September. According to the indictment, the border policemen forced the two Palestinians into a building and beat one with rifles, boots, and fists before forcing him to jump out of a second floor window. The border policemen allegedly burned the second Palestinian with a cigarette and forced him to drink urine. The policemen then allegedly threw the Palestinian's papers into a puddle of urine and ordered him to pick up his papers with his mouth and tongue. They then threw him out the same second story window. At year's end, further legal action remained pending.

In February 2003, Israeli authorities arrested Daoud Dirawi, a Palestinian lawyer, for being in Jerusalem without proper identification. Dirawi told his lawyer that soldiers beat him severely on the way to the Asyun military prison in the Negev. In March 2003, Israel sentenced Dirawi to 6 months of administrative detention. He was released in August.

Israeli soldiers on patrol in June 2003 allegedly attacked 20 Palestinian youths, who were trying to cross a dirt road near a military checkpoint north of Jerusalem. The soldiers allegedly beat the youths with their rifles and threw several of them in a sewage ditch before leaving the scene.

In June 2003, Israeli Border Police in Tulkarm took the identity card of shepherd Nazih Salah 'Awad Damiri, 24, and forced him to mime sexual intercourse with his donkey.

In November 2003, IDF soldiers at the Huwwara checkpoint outside Nablus demanded that two Palestinians stop and clean the checkpoint. When the men refused, the soldiers handcuffed, blindfolded, and detained them for several hours. When B'tselem investigated the incident, the soldiers admitted to the action and claimed their superiors had ordered them to do it. B'tselem has requested an official investigation of the incident; however, at year's end, there was no response to their request.

PA prison conditions were poor. Facilities were old, dilapidated, and neglected. Most prison facilities were destroyed during the Intifada, and prisoners were kept informally in houses or other buildings. There were separate facilities to hold juvenile prisoners. Prison facilities were poorly protected and subject to intrusions by outsiders. The PA generally permitted the ICRC access to detainees and allowed regular inspections of prison conditions; however, the PA denied access to some detainees for 14 days following their arrests. The PA permitted independent monitoring of its prisons, although human rights groups, humanitarian organizations, and lawyers reported difficulties arranging visits or gaining access to specific detainees. Human rights organizations stated that their ability to visit PA prisons and detention centers varied depending on which security organization controlled the facility. Human rights monitors stated that prison authorities did not consistently permit them to have access to PA detention facilities and that they rarely were permitted to see inmates while they were under interrogation.

The conditions of Israeli permanent prison facilities generally met international standards. The standards were less likely to be met in provisional detention centers, because prison facilities refused to take new inmates when their maximum capacity was reached. The detention and interrogation facilities for Palestinian detainees, including the four interrogation centers (Shikma, Kishon, Petah Tikva, and the Jerusalem Internment Center) were austere, overcrowded, provisional facilities. Israel held at least 121 Palestinian prisoners in some form of solitary confinement. Israel permitted independent monitoring of prison conditions by the ICRC and other groups, although human rights groups reported delays and difficulties in gaining access to specific detainees. Male family members between 16 and 40 years of age, and any family members with security records, usually were barred from visiting relatives in Israeli facilities. According to the ICRC, between January and May, 3,517 detainees in Israel, Gaza, and the West Bank had visits from family members.

The NGO, Palestinian Prisoners Club, had approximately 820 medical cases in Israeli prisons. During the year, approximately 57 cases required urgent medical attention. Following the August 18 hunger strike, Israeli authorities provided increased medical attention; however, prisoners continued to claim that it was inadequate. Several private doctors were authorized to visit prisoners.

d. Arbitrary Arrest or Detention

The 2001 PA Criminal Procedures Law allows police to hold detainees without charges for 24 hours. Court approval is necessary for detention without charges for a maximum of 45 days. A trial must start within 6 months of arrest or the detainee must be released. In practice, however, many Palestinians were held in detention without charge for months.

PA security forces detained persons without informing judicial authorities, and often ignored laws that protect the rights of detainees and court decisions calling for the release of alleged security criminals. At year's end, Palestinian sources estimated that between 250 and 300 suspected collaborators were held in PA prisons. Alleged collaborators often were held without presentation of evidence to a court and were denied access to lawyers, their families, or doctors.

Under applicable occupation orders, Israeli security personnel may arrest without warrant or hold for questioning a person suspected of having committed or to be likely to commit a security related offense. Israeli Military Order 1507 permits the Israeli army to detain persons for 10 days, during which detainees are barred from seeing a lawyer or appearing before court. Administrative detention orders could be issued for up to 6-month periods and could be renewed indefinitely by judges. No detainee has ever successfully appealed a detention order. Israeli military Order 1369 provides for a 7 year prison term for anyone who does not respond to a special summons in security cases. Suspects are entitled to an attorney, but this can be deferred during the interrogation phase, which sometimes lasts up to 90 days. Israeli authorities stated that they attempted to post notification of arrests within 48 hours, but senior officers may delay notification for up to 12 days. Additionally, a military commander may appeal to a judge to extend this period in security cases for an unlimited period, and many families reported serious problems in learning of the status and whereabouts of prisoners. Evidence used at hearings for administrative detentions in security cases was often unavailable to the detainee or his attorneys due to security classification.

The Israeli Government maintained that it held no political prisoners, but Palestinians claimed that administrative detainees were political prisoners. At year's end, Israel held approximately 8,300 Palestinian security prisoners (up from 5,900 in 2003), of which at least 960 were in administrative detention.

During the year, Israel did not conduct mass detentions in the West Bank as had been the case in the past; arrest operations were geared more toward specific persons. Israeli authorities intermittently issued special summonses for those suspected of involvement in or knowledge of security offenses.

Palestinians transferred to prison facilities in Israel had difficulty obtaining legal representation because only Israeli citizens or Palestinian lawyers with Jerusalem identification cards were permitted to visit them. However, during the year, procedures were revised to permit more lawyers to have access to the prisons. Israeli authorities in some instances scheduled appointments, but they subsequently moved the clients to another prison to delay lawyer client meetings for as long as 90 days.

The Government of Israel frequently failed to notify foreign consular officials in a timely manner when their citizens were detained.

In contrast to past practice, during the year, Israel did not forcibly transfer Palestinians from the West Bank to the Gaza Strip. On August 27, Israel allowed Kifah Ajouri, a Fatah activist who was forcibly transferred to Gaza in 2002, to return to his home in Nablus. Mahmud Suleiman Sa'id al-Sa'di al-Saffouri was transferred to Gaza from Jenin in May 2003 and was required to remain in the Gaza Strip.

Amnesty International (AI) noted that Muhammad Hassan Mustafa al-Najjar was administratively detained for the fourth consecutive time on May 20. Subsequently, AI reported that al-Najjar was released on June 20.

e. Denial of Fair Public Trial

The PA court system is based on legal codes that predate the 1967 Israeli occupation and Israeli military orders. A High Judicial Council (HJC) maintained authority over most court operations. State security courts were formally abolished in 2003. Military courts, established in 1995, have jurisdiction over police and security force personnel as well as crimes by civilians against security forces. The PA courts were inefficient, lacked staff and resources, and often did not ensure fair and expeditious trials. These problems predated PA jurisdiction, and were aggravated by lack of PA attention thereafter. The PA executive and security services frequently failed to carry out court decisions and otherwise inhibited judicial independence.

The ongoing violence adversely affected the PA administration of justice. Operation Defensive Shield in 2002 damaged the Court of First Instance and Conciliation in Ramallah and the PA's main forensic lab. Many police stations and incarceration facilities were damaged or destroyed. Travel restrictions, curfews, and closures significantly impeded the administration of justice.

Israeli law provides for an independent judiciary, and the Government generally respected this in practice. Palestinians accused of security offenses usually were tried in military courts. Security offenses are comprehensively defined and may include charges as varied as rock throwing or membership in outlawed terrorist organizations, such as Hamas or the PFLP. Military prosecutors brought charges. Serious charges were tried before three-judge panels; lesser offenses were tried before one judge. The Israeli military courts rarely acquitted Palestinians of security offenses, but sentences in some cases were reduced on appeal.

Israeli military trials followed evidentiary rules that were the same as those in regular criminal cases. Convictions may not be based solely on confessions, although, in practice, some security prisoners were convicted on the basis of alleged coerced confessions of themselves and others. The prosecution must justify closing the proceedings to the public in security cases. The accused is entitled to counsel, and a judge may assign counsel. Charges are made available to the defendant and the public in Hebrew, and the court may order that the charges be translated into Arabic, if necessary. Defendants had the right to appeal through the Military High Court or to the Civilian High Court of Justice in certain instances. The court may hear secret evidence in security cases that is not available to the defendant or his attorney. However, a conviction may not be based solely on such evidence.

Trials sometimes were delayed for very extended periods, because Israeli security force witnesses did not appear, the defendant was not brought to court, files were lost, or attorneys were delayed by travel restrictions (see Section 2.d.). Palestinian legal advocates alleged that these delays were designed to pressure defendants to settle their cases.

On May 20, a Tel Aviv District Court convicted West Bank Fatah leader and Palestinian Legislative Council member, Marwan Barghuti, on three charges of murder and one charge of attempted murder involving terror attacks that resulted in the deaths of five Israelis. Barghuti was arrested in April 2002 and initially was barred from seeing an attorney; however, he was allowed to retain and dismiss legal counsel during the course of his trial. The trial began in September 2002 and proceeded sporadically for more than 2 years. Barghuti rejected the Israeli court's jurisdiction, did not mount a legal defense, and did not appeal the five consecutive life sentences he received.

In May 2003, the PA High Court of Justice ordered the release of Taysir Abu Meghasib and Mehdi Abu Seif from detention for lack of evidence on charges of collaborating with Israel. At year's end, it appeared that they had not been released.

On October 16, a PA civil court in the Gaza Strip sentenced a Palestinian to death by hanging after finding him guilty of collaborating with Israel; however, by year's end, there had been no execution. Another three Palestinians convicted of the same charges received prison terms.

On November 28, an Israeli military court delayed PLC member Husam Khader's trial until March 6, 2005. Khader was arrested in March 2003 for alleged involvement in Intifada-related violence, but his trial since has been delayed repeatedly.

Crowded facilities, poor arrangements for scheduling and holding attorney client consultations, and confessions prepared in Hebrew hindered legal defense efforts.

Israeli settlers were tried under Israeli law in the nearest Israeli district court. Civilian judges presided, and the standards of due

process and admissibility of evidence were governed by the laws of Israel, not military orders. Settlers rarely were prosecuted for crimes against Palestinians and, in the rare instances in which they were convicted, regularly received lighter punishment than Palestinians convicted in Israeli courts (see Section 1.a.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The PA required the Attorney General to issue warrants for entry and searches of private property; however, Palestinian security services frequently ignored these requirements. Police searched homes without the consent of their owners. In some cases, police forcibly entered premises.

Under occupation orders, an officer of the rank of lieutenant colonel or above could authorize entry of private homes and institutions without a warrant, based upon military necessity. On some occasions IDF personnel beat occupants and destroyed or looted property. Authorities stated that these were punishable violations of military regulations, and compensation was due.

Israeli security forces demolished and sealed the homes (owned or rented) of Palestinians suspected of terrorism or the relatives of such suspects, without judicial review (see Section 1.g.). During the year, according to B'tselem, Israeli forces demolished 181 housing units in the occupied territories (compared with 219 in 2003) as punishment for terror activity and deterrence against future attacks.

On February 26, the IDF blew up the apartment of 'Itaf Abu Sha'ira in the al-Aida refugee camp near Bethlehem. Abu Sha'ira said that an IDF officer on the scene told her that the demolition was punishment for her husband Hassan's June 2001 killing of an IDF soldier. The IDF gave Abu Sha'ira and her family 10 minutes to remove items from her apartment prior to its destruction; the explosion also damaged other apartments in the building.

On April 4, the IDF blew up the home of Fakhri 'Aarda from the Tulkarm refugee camp after one of his sons killed an Israeli and injured another in a northern West Bank settlement on April 3.

Israel demolished many homes between the Rafah refugee camp and the border with Egypt, claiming that the houses concealed tunnels used for weapons smuggling or provided cover for attacks against Israeli soldiers. Between May 17 and 24, the IDF undertook "Operation Rainbow" to secure the neighborhoods along the Philadelphi road that divides the Gaza Strip from Egypt and eliminate "terrorists and wanted operatives." UNWRA and U.N. Office for the Coordination of Humanitarian Affairs (OCHA), judged that this operation destroyed 298 buildings, leaving 3,794 individuals homeless. Since 2000, approximately 1,500 buildings in Rafah have been demolished by the IDF, making more than 15,000 Palestinians homeless.

The IDF destroyed numerous citrus, olive, and date groves, and irrigation systems, stating that Palestinians had been shooting from those areas. The IDF also cleared and took control of land held by private Palestinians for construction of the separation barrier. B'tselem estimated that at least 6,900 acres of land has been taken for construction of the separation barrier. According to OCHA, the separation barrier was approximately 123 miles long and was projected to be more than 372 miles long.

Human rights monitors reported that the IDF provided greater protection to Palestinian farmers than they did in the past. Still, Palestinians complained that the IDF measures gave insufficient time to complete the harvest, and that they were limited in their own ability to protect their property by curfews and travel restrictions.

On November 17, approximately 70 Israeli settlers from the West Bank settlement of Itamar attacked Palestinian olive harvesters; Israeli security forces attempted to prevent disruption of the harvest.

Between December 9 and 12, according to the daily Ha'aretz, Zufim settlers uprooted more than 217 olive and citrus trees at Jayyus.

Israeli authorities generally did not prosecute settlers for acts of violence against Palestinians, and settlers rarely served prison sentences if convicted of a crime against a Palestinian. However, in August 2003, Israel arrested nine settlers for plotting an attack on a Palestinian school in East Jerusalem. Ultimately, during 2003, two were sentenced to 15-year terms, and one was sentenced to 12 years' imprisonment. The remaining six were released from custody for lack of evidence.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal and External Conflicts

Palestinian members of Fatah, HAMAS, and PFLP attacked and killed civilians in Israel, Israeli settlers, foreign nationals, and soldiers. They used weapons designed to inflict casualties on noncombatants, such as suicide bombs, and fired area weapons such as rockets and mortars at their targets without regard for noncombatants. In addition, they often fired at Israeli security forces from civilian population areas, increasing the risk that Israeli return fire would harm noncombatants. The PA did not take sufficient steps to prevent terrorist attacks, enforce a ban on militant groups, or prevent such groups from seeking shelter in civilian areas. By year's end, some PA officials made statements questioning the utility of violence. During the presidential campaign, PA presidential candidate Abbas called the armed Intifada counterproductive to Palestinian interests.

According to the PA Ministry of Health, the Palestine Red Crescent Society, and B'tselem, at least 800 Palestinians were killed

during the course of Israeli military and police operations during the year. The PA Ministry of Health estimated that approximately half of those killed were noncombatants. B'tselem reported a figure of 452 innocent Palestinians killed this year. The IDF stated that the majority of Palestinians killed were armed fighters or persons engaged in planning or carrying out violence against Israeli civilian and military targets. According to the PRCS, IDF operations resulted in injuries to approximately 4,000 Palestinians.

The IDF conducted numerous military incursions into Palestinian population centers, in response to Palestinian mortar and antitank fire. These actions often resulted in civilian casualties. Israeli forces fired tank shells, heavy machine-gun rounds, and rockets from aircraft at targets in residential and business neighborhoods where Palestinian gunfire was believed to have originated. Palestinians often used civilian homes to fire upon Israeli forces and booby-trapped civilian homes and apartment buildings. In response to these actions, the IDF usually raided, and often leveled, these buildings.

During an IDF incursion into two refugee camps in the northern Gaza Strip on March 7, Israeli forces killed 10 Palestinian militants and 4 civilians, including 3 children, during fighting throughout the day.

On May 17, Israel launched "Operation Rainbow" in Rafah in the Gaza Strip. According to the IDF, the operation was designed to destroy tunnels used for smuggling weapons into the Gaza Strip from Egypt. Over 40 Palestinians were killed during the operation, including civilians. (See Section 1.f. regarding housing destroyed in this operation.) Human Rights Watch (HRW) also reported that the IDF actions destroyed over 50 percent of Rafah's roads and elements of its water, sewage, and electrical systems.

On May 18 in Rafah, two Palestinian children, 16-year-old Asma al-Mughayr and her 13-year-old brother, were shot in the head on the roof-terrace of their home while performing household chores. AI concluded that IDF snipers killed both; Israeli army officials suggested that they were killed by an explosive device set by Palestinians. At year's end, there was no information on any further official investigation.

On July 6, IDF forces killed Dr. Khaled Salah, a Palestinian engineering professor at al-Najah University, and his teen-age son during a raid on their apartment building. IDF soldiers were seeking Palestinian militants in the building and, in the exchange of gunfire, also killed Salah and his son.

On September 7, a girl sitting in a U.N.-flagged school was struck in the head by gunfire from an Israeli position in Gaza. At year's end, an IDF investigation was ongoing into the circumstances of the shooting.

On September 19 in Nablus, during an exchange of gunfire between the IDF and militants, an 11-year-old Palestinian girl was shot and killed while standing in the doorway of her house. Palestinians claimed the IDF killed the girl, but the IDF stated that a preliminary investigation found that no IDF gunfire had been directed at the girl.

On September 28, the IDF launched "Operation Days of Penitence" into the northern Gaza Strip in response to continued Qassam rocket fire into Israel that killed two Israeli children in the town of Sderot. The IDF attacked targets in Bayt Hanun and Jabaliyah refugee camp using tanks and helicopters during the 17-day operation. Human rights groups claimed that IDF security forces killed as many as 130 Palestinians and wounded over 430 during the operation, although the U.N. put the number of those killed at 107. According to B'tselem, among the Palestinians killed were approximately 50 civilians, including at least 26 Palestinians under the age of 18. The IDF estimated that 19 civilians were killed.

On October 5, IDF soldiers shot and killed Imam al-Hams, a 13-year-old Palestinian schoolgirl, as she approached an IDF outpost in the southern Gaza Strip. The girl approached the outpost carrying a bag that troops suspected contained explosives, but which later turned out to contain only schoolbooks. After the girl had been shot from a distance, the IDF company commander repeatedly fired his automatic weapon into her at close range. On November 22, after investigation including statements by soldiers under his command, an IDF military court indicted the company commander on two counts of illegal use of weapons, obstructing justice, unbecoming behavior, and improper use of authority. At year's end, the court martial remained ongoing.

On October 7, IDF tank fire killed two boys 12 and 15 years of age while they were standing near their school.

On October 8, a 10-year-old Palestinian girl was shot and killed by IDF gunfire in Bayt Hanun in the northern Gaza Strip as she stood on the street in front of her house.

On October 12, Israeli military forces shot and killed an 11-year-old, Ghadir Mokheimer, as she stood outside her school in Khan Yunis refugee camp in Gaza. The IDF claimed that they returned fire after coming under rocket attack from militants using the school as cover.

On October 4, the IDF severely damaged the Gaza City wastewater treatment plant resulting in \$200,000 (872,000 NIS) worth of damage to the USAID-funded parts of the plant. An investigation is being conducted into the incident; however, the IDF stated that the plant was not intentionally targeted. According to USAID, the total repair and replacement costs for damage during the year to USAID-funded projects are estimated at \$450,000 (1.93 million NIS).

On November 5, Israeli media reported that an IDF tank round killed two Palestinian children, ages 8 and 10 years old, when tank fire hit their home in the al-Qarrara district of Khan Yunis.

On November 6, a 13-year-old Palestinian boy was shot and killed by IDF forces in Jenin. The IDF said the boy had thrown a firebomb at IDF soldiers.

On November 18, IDF tank fire killed three Egyptian policemen at the border near Rafah. Reportedly, the IDF believed the police were Palestinians attempting to plant explosives. Subsequently, the Government apologized for the killings.

IDF soldiers reportedly fired without warning on trespassers in or near restricted areas.

On September 28, Israeli forces killed a mentally ill Palestinian man when he climbed a fence near an army outpost in Jenin. On another occasion in the Gaza Strip, Palestinian youths were killed when they approached the security fence. Soldiers said the boys were providing intelligence to militants; Palestinians maintained that the boys were hunting birds.

During the year, according to Palestinian security and media reports, the IDF targeted for killing at least 25 Palestinians suspected of involvement in terrorism. IDF forces killed at least 18 bystanders--4 of whom were civilians and many of the remaining were affiliated with terrorist organizations and injured a number of others.

On March 22, rockets from Israeli helicopters killed Sheikh Ahmad Yassin, the founder of the Islamic Resistance Movement (HAMAS), as he was leaving a mosque in the Gaza Strip. Two bodyguards and one of Yassin's sons-in-law also died in the attack, along with eight worshippers from the mosque. Fifteen bystanders were injured.

On April 17, rockets from Israeli helicopters killed 'Abd al-Azziz al-Rantisi, a co-founder of Hamas and Yassin's replacement as its leader. Rantisi's bodyguards were killed during the attack. Eighteen other persons were wounded.

On October 21, Israeli aircraft fired two missiles at a car killing Adnan al-Ghoul, a senior Hamas commander, and his assistant. Eight bystanders also were slightly wounded.

Israeli security personnel operating checkpoints killed a number of Palestinians.

There were no developments in the investigation into the circumstances surrounding the July 2003 death of 3-year-old Palestinian Mahmud Jawadat Sharif Kabaha, who was shot while sitting in his parents' car at the Barta'a checkpoint west of Jenin (see Sections 1.a. and 1.c.).

During the year, Israeli forces delayed the movement of, and occasionally fired upon, medical personnel and ambulances. Israel has presented video evidence of armed Palestinians running from a building and entering an ambulance and of an ambulance crew that picked up an injured Palestinian, retrieved his weapon, and put it inside the ambulance before driving away. The U.N. maintained that the ambulance crews acted under duress. The Israeli Government acknowledged that an accusation that an ambulance crew had transported a Qassam rocket was in error.

On January 11, according to PRCS allegations, Israeli soldiers manning a checkpoint in the West Bank beat an ambulance driver and medic as they transferred patients from Nablus to Ramallah hospital.

On June 13, according to PRCS, an ambulance attempted to evacuate protesters injured during an antiseparation barrier demonstration. Israeli security personnel allegedly fired gunshots and tear gas at the ambulance.

The IDF abuse of Palestinians or their vehicles at checkpoints continued, but at a more reduced level than during 2002-03. Qahira Muhsen, age 41, from the village of al-Funduq, alleged that four Israeli Border Police in the vicinity of the Jajuliya checkpoint punched, kicked, and cursed him.

In April, a young Palestinian woman from Bethlehem told Machsom Watch, an Israeli women's rights organization, that she witnessed IDF soldiers at the "Container" checkpoint, southeast of Jerusalem, hit her father with truncheons as he sat in his car as well as abusing other drivers.

Palestinians frequently threw stones, Molotov cocktails, and on occasion fired live ammunition at Israeli security forces. Israeli security forces on various occasions responded with tear gas, rubber bullets, and live fire, including tank fire.

On May 19, at least 10 Palestinians were killed and more than 50 wounded when tank shells exploded near demonstrators in the Rafah refugee camp. IDF officials claimed that the tank had fired warning shots, and denied firing into the crowd. The IDF claimed that gunmen were in the crowd. This claim was disputed by Palestinians, and there was no evidence to substantiate the IDF charge. The IDF released a statement that expressed deep sorrow and regret over the loss of civilian lives.

On November 15, according to witnesses, Israeli border police entered Saint Vincent's Monastery in Bethany and seriously wounded an unarmed 15-year-old boy when his group, holding a mourning demonstration for Arafat, did not disperse as police requested.

Israeli forces used Palestinians as "human shields" in violation of applicable Israeli law. In 2002, the Israeli High Court of Justice granted an injunction against the use of Palestinians as "shields" for Israeli forces. The IDF admitted violations of existing procedures and reiterated that IDF forces "are absolutely forbidden to use civilians of any kind as a means of 'living shield' against gunfire or attack by the Palestinian side, or as 'hostages.'" However, IDF soldiers were permitted to seek consensual assistance of civilians in operations. Human rights groups asserted that Palestinians who consented often did so out of fear even if they were not coerced. Such Palestinians face the risk of being branded as collaborators.

On January 12, IDF soldiers used Ahmad Assaf to enter and search homes in the Tulkarm refugee camp and fired gunshots into the homes as Assaf searched them. Another Tulkarm refugee camp resident, Ahmad Ganem, claimed that Israeli soldiers made him search homes in the camp.

In April, Adalah, an Israeli-Arab human rights organization, asked the Israeli High Court to issue an injunction against the IDF seeking the assistance of Palestinians, without exception. On September 5, the President of the Court urged the IDF to forego use of the procedure, citing the Fourth Geneva Convention. The High Court announced that it would give its decision at a later date.

According to B'tselem, there have been 90 Military Police investigations since September 2000 relating to Palestinians killed and injured during the Intifada, resulting in the filing of 29 indictments. B'tselem reported that one soldier was convicted for causing the death of a Palestinian.

B'tselem and the Association for Civil Rights in Israel (ACRI) petitioned the High Court in September 2003 to open military investigations into all cases where IDF soldiers killed Palestinians who had not engaged in hostilities. At year's end, the High Court had not ruled on the petition.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The PA restricted freedom of speech and freedom of the press. During the year, the PA limited free expression, particularly regarding human rights and alleged security issues. PA security services banned publications or broadcasts and periodically harassed or detained members of the media. Palestinian commentators and human rights groups stated that, as a result, journalists practiced self-censorship. In addition, armed extremist groups attacked journalists.

There were three Palestinian dailies and several Palestinian weekly newspapers. There also were several monthly magazines and three tabloids. The PA operated two television stations and one radio station. There were approximately 30 independently owned television stations and approximately 9 radio stations. According to an October study published by the Palestinian Central Bureau of Statistics, approximately 33 percent of Palestinians in the occupied territories had access to the Internet.

The Israeli occupation authorities limited speech. In East Jerusalem, the display of Palestinian political symbols, such as flags, national colors, and graffiti, was prohibited and punishable by fines or imprisonment, as were public expressions of anti-Israeli sentiment and of support for Islamic extremist groups. Israeli authorities censored press coverage of the Intifada and reviewed Arabic publications for material related to public order and security issues. Closures and curfews limited the ability of Palestinian journalists to do their jobs.

On January 8, journalist Saifeddin Shahin was beaten by five armed men after his car was stopped. The attackers claimed to be from the Fatah movement and threatened reprisals if he continued to write about Fatah. PA police arrested one of the attackers; however, at year's end, there had been no further legal action.

On March 22, Mohammad Abu Halima, a correspondent for the al-Najah University-affiliated radio station, was killed by IDF gunfire as he reported on clashes in the Balata refugee camp in Nablus, according to the Committee to Protect Journalists. An IDF spokesperson said that Abu Halima had opened fire. At year's end, there was no report of any Israeli investigation of the circumstances of the killing.

During the year, Israeli gunfire killed a journalist, and at least 11 other journalists sustained injuries during clashes between IDF soldiers and Palestinians in the occupied territories. Israeli soldiers beat journalists on several occasions, detained others, and confiscated their press cards.

On September 27, Riad Ali, a Cable News Network journalist, was abducted by a group of armed Palestinian men. Ali, an Israeli citizen from the Druze community, was released 36 hours after his abduction. There were no claims of responsibility for the kidnapping.

In March 2003, PA police in Gaza City shut the Palestinian newspaper, al-Risalah, a weekly publication of the Islamic National Salvation Party (Khalas). The paper returned to publication during the year.

On April 2, Ammar Awad was covering clashes between Israeli police and Palestinian demonstrators in Jerusalem. The policemen destroyed the journalist's cameras.

On April 24, an IDF soldier shot journalist Ali Samoudi in the nose as he was covering an Israeli army incursion into Jenin. Samoudi, who was wearing a "press" sign, alleged that the soldier intentionally fired at him.

James Miller was killed by the IDF in May 2003 while filming a documentary in Gaza City. After repeated requests from his family and from foreign diplomatic representatives, the IDF Military Attorney General (MAG) ordered an investigation into the incident. At year's end, the NGO B'tselem had no information regarding the status of the investigation.

In April 2003, an IDF soldier killed Nazeeh Darwaza while he was filming a wounded child during an IDF incursion in Nablus. On June 16, B'tselem was informed that the MAG was investigating the case. At year's end, there was no further information.

On December 27, Israeli police detained PA presidential candidate Mustafa Barghuti for several hours after he attempted to campaign in Jerusalem. Barghuti lacked a permit to enter Jerusalem (see Sections 2.d. and 3).

The PA had authority over all levels of education. During the year, the PA did not interfere with education, but academic institutions were adversely affected by the violence.

On November 27, Yaser al-Madhoun, a Palestinian professor at al-Azhar University in Gaza City, was killed when a remote control bomb exploded in his office; another Palestinian was injured. At year's end, PA police continued the investigation.

Israeli closures, curfews and the separation barrier restricted access to Palestinian academic institutions. In some instances, Israeli authorities shut universities entirely. Israeli shelling and gunfire during military operations damaged a number of schools and, in some cases, killed schoolchildren (see Section 1.g.).

In 2003, Israeli authorities closed the Hebron University and the Hebron Polytechnic School, which served 5,000 students. The schools reopened during the year.

According to UNICEF, years of conflict damaged 300 schools and, in 2003, 580 schools were periodically forced to close.

The PA Ministry of Education claimed that, since 2001, the IDF had converted three schools in Hebron into military barracks.

Physical damage to schools and universities was calculated at more than \$10 million (43 million NIS).

b. Freedom of Peaceful Assembly and Association

The PA imposed some formal limits on freedom of assembly; however, while it required permits for rallies, demonstrations, and large cultural events, these permits rarely were denied. In Gaza, police approval was required for political meetings at specific meeting halls and for buses to transport passengers to attend political meetings. The PA prohibited calls for violence, displays of arms, and racist slogans, although these provisions were rarely enforced. The PA placed some limits on freedom of association; however, charitable, community, professional, and self-help organizations were able to operate.

Israeli military orders banned public gatherings of 10 or more persons without a permit; however, Palestinians were able to ignore this order without punishment.

Israeli security forces used force against Palestinians involved in demonstrations (see Section 1.c.). The Israeli and Palestinian authorities disputed whether Palestinians attacked security forces during such demonstrations. In 2001, the IDF authorized the use of gunfire in some rock-throwing situations.

On February 26, Israeli security forces used tear gas, rubber bullets, and live ammunition, reportedly after demonstrators began throwing stones at Israeli forces during an antiseparation barrier demonstration Biddu village. Two persons were killed and approximately 70 persons sustained injuries.

Orient House, the preeminent Palestinian political institution in Jerusalem, was shut by Israeli forces in 2001 and remained closed throughout the year. In 2002-03, Israel closed the Arab Graduates Club, frequented by Fatah activists, the Multi-Sectoral Review Project, the Land Research Center, the East Jerusalem offices of the Federation of Palestinian Chambers of Commerce, and the Jerusalem Cultural Association and the Union of Sports Clubs. Israeli authorities claimed that these institutions were operating under PA supervision in violation of signed agreements. At year's end, these organizations remained closed.

c. Freedom of Religion

The PA has no law that specifically protects religious freedom, but religious freedom was respected in practice. Islam is the official religion of the PA. Religion must be declared on identification papers, and personal status legal matters must be handled in ecclesiastical courts. The PA's Ministry of Waqf and Religious Affairs paid for the construction and maintenance of mosques and the salaries of imams. Christian clergymen and charitable organizations received limited financial support. The PA did not provide financial support to any Jewish institutions or holy sites in the occupied territories; these areas were generally under Israeli control. During the year, there were no reports of violence against or vandalism of Jewish institutions in the occupied territories.

The PA required that religion be taught in PA schools. The PA provided separate religious instruction for Muslim and Christian students.

Media frequently published and broadcast material about the occupation that included anti-Semitic content. The rhetoric used by Palestinian terrorist groups included expressions of anti-Semitism. Muslim religious leaders and the PA television station engaged in expressions of anti-Semitism. On the positive side, in a December 3 sermon broadcast on PA Television, preacher Muhammad Jammal Abu Hunud called for the development of a modern Islamic discourse, to recognize the "other," to treat him with tolerance, and to avoid extremism and violence.

Israeli authorities generally respected religious freedom and permitted all faiths to operate schools and institutions. However, internal and external closures prevented tens of thousands of Palestinians from reaching their places of worship in Jerusalem and the West Bank, including during religious holidays. Citing security reasons, Israel prevented most male Muslim worshippers under the age of 45 from attending Friday prayers inside the Haram al-Sharif/Temple Mount, the third holiest site in Islam and the holiest site in Judaism. Most West Bank residents and virtually all Gaza residents were restricted from entering Jerusalem during Ramadan.

In August 2003, Israeli police began escorting tourists to the Haram al-Sharif/Temple Mount to reassert the right of non-Muslims to visit the shrine.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

d. Freedom of Movement Within the Occupied Territories, Foreign Travel, Emigration, and Repatriation

The PA generally did not restrict freedom of movement. The Israeli occupation authorities, citing military necessity, often tightly restricted the movement of Palestinians in response to changing security conditions.

During periods of unrest (in the aftermath of terrorist attacks or during military exercises), travel between some or all towns within the territories was prohibited. Such "internal closures" were supplemented, during periods of potential unrest and during major Israeli and Muslim holidays, by "comprehensive, external closures," which precluded Palestinians from leaving the territories. During the year, there were no extended blanket closures, although several Gaza crossing points were simultaneously closed for extended periods, completely closing off the Gaza Strip. Since 1993, Palestinians were able to enter East Jerusalem only with a travel permit issued by Israeli authorities. The Israeli authorities also imposed curfews in some areas, which confined Palestinians to their homes for all but a few hours per week. During the year, there were fewer curfews than in 2003.

The PA issued passports for Palestinian residents of the West Bank and Gaza. Because there are no commercial flights from the territories, travelers must depart via land crossings into Israel, Jordan or Egypt. Even prior to the Intifada, it was difficult for Palestinians to obtain permits to visit Israel. While transit passes for travelers using Ben Gurion airport exist, they are not widely available. Vehicles originating in the territories are often not permitted entry into Israel or Jerusalem. Palestinians were prohibited from using the Sheikh Hussein or Arava crossings. As a result, most Palestinians traveling abroad could exit and enter only via the Allenby Bridge or Rafah crossing points.

Between April 16 and September 18, the IDF prevented Palestinian males between the ages of 16 and 35 from exiting Gaza through the Rafah terminal. On July 18 the terminal was closed completely, leaving approximately 2,500 Palestinians on the Egyptian side for more than 2 weeks. The IDF was searching for a tunnel in the vicinity, but failed to locate it. On December 12, a terrorist attack extensively damaged the terminal and killed five Israeli soldiers. At year's end, the terminal remained closed.

Palestinians with Jerusalem identification cards, issued by the Israeli Government, needed special documents to travel abroad. Upon request, the Jordanian Government also issued travel documents to Palestinians in the West Bank and East Jerusalem. Palestinians who wish to travel to Jordan must leave their Israeli identification documents with Israeli authorities at the Allenby Bridge. Bridge-crossing permits to Jordan were available at post offices without a screening process.

The external and internal closures contributed to increased unemployment and poverty in the occupied territories. Approximately 146,000 West Bank and Gaza workers, representing roughly 25 percent of the Palestinian work force, depended on day jobs in Israel, Israeli settlements, and Jerusalem. The closures impeded Palestinians from reaching jobs or markets in the occupied

territories and disrupted internal and external trade. The unemployment rate was estimated at 31 percent at year's end. The economic dependency ratio (total population divided by employed persons) increased during the year. The percentage of employees whose monthly wages fell below the poverty line increased from 43.5 percent in the third quarter 2000 to 56.8 percent at year's end.

For the approximately 200,000 Palestinians who lived in rural villages without the full range of urban services--such as medical care, education, or potable water--the closures were a particular hardship.

Apart from closures, delays at checkpoints and roadblocks affected all aspects of life, particularly emergency health care. According to OCHA, in the West Bank there were 61 fully manned checkpoints, 6 occasionally manned checkpoints, 374 earthen mounds blocking roads, 102 cement roadblocks, 48 road gates, and 51 gates along the separation barrier. The Israeli authorities' figures show 47 checkpoints and 130 roadblocks in the West Bank as of December. (OCHA and Israeli Government statistics are based on different methodology.) Although ambulance response times improved during the year as the Israeli authorities provided additional permits, many problems remained, including difficulties for ambulances attempting to reach villages in remote areas of the West Bank.

In January, villagers from Jayyus were unable to exit the village to tend fields or graze sheep.

On March 10, the IDF delayed a car containing an ill 10-month-old for 3 hours at a roadblock near Khan Yunis in the Gaza Strip. The baby died.

On April 30, Mohammad Dagaghmah, a shepherd from Hebron who claimed to have a valid permit, was not permitted to pass a checkpoint for 2 days, although his sheep were allowed to pass.

According to B'tselem, on June 15, taxi driver Fuad al-Jaiyusi reported that IDF soldiers refused to let him and four other drivers cross the Jit checkpoint, contending that al-Jaiyusi did not have the proper permit, and impounded his vehicle for 4 days.

On July 10, Israeli soldiers delayed at the Allenby Bridge gates for approximately 2 hours a PRCS ambulance carrying a cancer patient in critical condition to a local Palestinian hospital. During a search of the ambulance by Israeli security personnel, the patient's condition deteriorated, but PRCS medics were not permitted to intervene. The patient was dead on arrival.

On July 20, Abdel Latif Emlaitat died of a heart attack at a roadblock near the village of Bayt Furik. According to his family, Emlaitat suffered severe chest pain and was trying to reach the hospital in Nablus. Israeli soldiers stopped the car when it attempted to leave the village for approximately 2 hours.

On December 23, at the Erez Crossing into Israel from Gaza city, only 5 of 25 medical cases that had permits to enter were allowed to cross into Israel. Those unable to enter were directed to leave and reapply to enter on another day.

The Israeli Government continued construction of a security barrier along parts of the Green Line (the 1949 Armistice line) and in the West Bank. The PA alleged that the routing of the barrier resulted in the taking of land, isolating residents from hospitals, schools, social services, and agricultural property. Israel asserts that it has sought to build the barrier on public lands where possible, and where private land was used, provided opportunities for compensation. Palestinians filed a number of cases with the Israeli Supreme Court challenging the routing of the barrier. In June, the Court ruled that a section of the barrier must be rerouted; determining that the injury caused by the routing of the barrier did not stand in proper proportion to the security benefits; various portions of the barrier route were rerouted. On July 9, the International Court of Justice issued an advisory opinion, concluding that "The construction of the wall built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem... and its associated regime, are contrary to international law."

At the end of the year, the barrier divided approximately 157,800 acres with a population of 93,200 from the rest of the West Bank. According to OCHA, Palestinians have been impeded from reaching their land to harvest crops and graze animals. Residents' access to schools, medical care and other services was also impeded. In October 2003, Israeli military orders required Palestinians residing in "seam zones" between the separation barrier and the Green Line (approximately 5,000 of the 93,200 mentioned above) to obtain residency permits to remain in these areas.

Israel offered East Jerusalem residents citizenship following Israel's occupation of Jerusalem in 1967. Most have chosen not to accept Israeli citizenship, but instead have sought a residence permit or Jerusalem identification card. Under the 1952 Law of Permanent Residency, such residents risk loss of status if their ties with Jerusalem lapse, although human rights groups report that such revocations have been infrequent. On July 8, an Israeli ministerial committee reportedly adopted an unpublished resolution calling for the application of the 1950 Absentee Property Law to East Jerusalem; however, the resolution does not appear to have been acted upon or implemented by year's end.

Residency restrictions affected family reunification. Palestinians who were abroad during the 1967 War, or who subsequently lost their residence permits, were not permitted to reside permanently with their families in the occupied territories. Foreign-born spouses and children of Palestinian residents experienced difficulty in obtaining residency. Palestinian spouses of Jerusalem residents must obtain a permit to reside there. Palestinians reported delays of several years or more before spouses were

granted residency permits. The Government of Israel occasionally issued limited-duration permits, but renewing the permits could take up to 8 months, which resulted in many Palestinians falling out of status. Palestinians also reported extensive delays in registering newborn children with Israeli authorities.

Neither the Israeli Government nor the PA used forced exile or forcibly deported anyone from the occupied territories during the year.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Following the death of PA Chairman Yasir Arafat on November 11, an election for PA president was scheduled for January 9, 2005. Seven candidates competed in a vigorous election campaign throughout the occupied territories. The Government of Israel and the PA agreed to follow the 1996 parameters for voting in East Jerusalem.

On December 23, the PA held municipal elections in 26 West Bank localities for the first time since 1976. Further elections were scheduled for Gaza on January 27, 2005, and for other municipalities in the spring and summer of 2005. Domestic and international election observers found the December 23 elections met democratic standards, while noting several technical and procedural problems.

The 88-member Palestinian Legislative Council (PLC) and Chairman of the Executive Authority were elected in 1996 in a process that international observers concluded generally met democratic standards, despite some irregularities.

On September 27, the Palestinian cabinet adopted a 1-year reform action plan, approved by the council, that was designed to create a more equal balance of power between the executive and the council and more accountability and transparency in governance.

In September and October, the independent Central Elections Commission conducted voter registration. The registration process went smoothly except in East Jerusalem, where Israeli police closed registration centers, and in some parts of Gaza, where IDF operations disrupted the process. The register was used in the December 23 municipal elections and will be used in elections scheduled for 2005. Following the closure of registration centers in East Jerusalem, very few Palestinian residents of the city attempted to register elsewhere, though they were eligible to do so.

While Palestinians with residency permits were eligible to vote in Jerusalem municipal elections, most did not recognize the jurisdiction of the Israeli municipality of Jerusalem and did not participate. There were no Palestinian residents of Jerusalem on the city council.

There was a widespread public perception of corruption within the PA, notably within the security forces. There were calls for reform from many social and political elements, especially during the summer.

The law requires official PA institutions to "facilitate" the acquisition of requested documents or information to any Palestinian; however, the law does not require any PA agency to provide such information. Many Palestinians cited the law when seeking to acquire information from the PA; however, no cases have come before the PA courts. NGOs were seeking to amend the law to make it mandatory to provide information to Palestinians.

During the year, there were 5 women on the 88-member Council, and 2 women served in Ministerial-level positions.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Local Palestinian human rights groups and several international organizations monitored the PA's human rights practices. By the end of 2003, the PA had issued registration certificates for 150 of the approximately 350 new and existing NGOs that submitted applications under the 2000 NGO law. During the year, an additional 74 such certificates were granted; others still were being processed at year's end.

PA officials usually met with NGO representatives. Public criticism from these groups has been somewhat less forthcoming since the outbreak of the Intifada, with several NGOs voluntarily deciding to defer criticism of the PA's human rights performance. Observers noted that documentation of abuses was very limited.

On March 2, Khalil al-Zaban, a journalist and advisor to PA Chairman Arafat on human rights and the media, was shot and killed in Gaza City. Al-Zaban headed the PA's government-appointed NGO Council and published its monthly newsletter. Al-Zaban was noted both for open criticism of Islamic militancy and aggressive attacks on those critical of the PA, particularly on human rights. At year's end, neither the perpetrators nor their motives had been identified.

Some PA security organizations, including the General Intelligence Service in the West Bank and the police, appointed officials to act as liaisons with human rights groups. These officers met with human rights organizations and members of the diplomatic

community to discuss human rights cases.

The ICRC and human rights groups, such as the Palestinian Independent Commission for Citizens' Rights and the Mandela Institute, regularly visited PA prisons and detention centers. During the year, some groups reported that they occasionally encountered delays in obtaining access to detainees in Palestinian prisons. PA officials reportedly were less responsive to queries regarding the PA's policies toward and treatment of collaborators than to queries on other detainees (see Sections 1.c. and 1.d.).

Israeli, Palestinian, and international humanitarian and human rights NGOs monitored the Israeli Government's practices in the occupied territories. The Israeli Government permitted human rights groups to publish and hold press conferences, and provided the ICRC and other groups with access to detainees (see Section 1.c.). Some of these organizations were critical of the Israeli Government's practices and cooperation. In many cases, human rights groups refused to apply to Israeli authorities for special travel permits in order to protest Israel's regulation of their activities. During the year, human rights groups reported that Israeli closures impeded and, at times, completely prevented their work.

On January 13, Thomas Hurndall, 22, a British activist with the International Solidarity Movement, died as a result of injuries sustained in April 2003 when an IDF soldier shot him as he attempted to move Palestinian children to safety during clashes in Rafah. At year's end, the court-martial of the IDF soldier charged with manslaughter was still pending.

In May 2003, Israel began requiring foreigners entering the Gaza Strip to sign a waiver providing that "the Government of the State of Israel and its organs cannot be held responsible for death, injury and/or damage/loss of property which may be incurred as a result of military activity."

In May 2003, then-Israeli Minister of Foreign Affairs Silvan Shalom said, "Most human rights offices in the West Bank and Gaza Strip provide shelter for Palestinian terrorists."

In September, a settler confronted two members of the Temporary International Presence in Hebron (TIPH), an NGO that monitored relations between Israeli and Palestinian security forces, Palestinian civilians, and settlers in the city, and attempted to run over one of the TIPH staff. IDF soldiers refused to intervene, allegedly told the TIPH members to leave, and blamed them for the incident.

On September 29, unidentified assailants suspected of belonging to the Maon settlement in the South Hebron Hills attacked and robbed two U.S. citizen members of the Christian Peacemakers Teams (CPT) as they escorted Palestinian children to school. One sustained internal injuries, including a punctured lung, and the other a broken arm. Settler officials denied any knowledge of the attack. At year's end, the assailants had not been apprehended.

On October 9, members of the CPT, AI, and an Italian NGO ("Operation Dove") were escorting Palestinian children from the village of Tuwani to a school in the village of Tabban southeast of Hebron. As they were walking by the settlement of Maon, settlers wearing masks and shouting obscenities in Hebrew attacked the escorts with baseball bats, seriously injuring an Italian volunteer. At year's end, the assailants had not been apprehended.

The U.N. Relief and Works Agency (UNRWA) and other groups reported continued delays in transporting goods to Palestinian refugees in the occupied territories. During Operation Days of Penitence in September and October, the IDF restricted entrance into the Gaza Strip, preventing humanitarian agencies such as UNRWA from delivering food and providing assistance.

In October, UNRWA claimed that 24 of its staffers were detained by the IDF and that it was not notified. An Israeli official stated the number detained was not 24, but said that other UNRWA staff members were under indictment.

Physicians for Human Rights, which offered weekly "mobile clinics" in Palestinian villages, has been denied access to Gaza for 3 years and has only limited access to the West Bank.

On March 16, 2003, an Israeli bulldozer clearing land in Rafah in the Gaza Strip crushed and killed Rachel Corrie, 23, a U.S. citizen peace activist. Corrie was standing in front of the bulldozer and was wearing a reflective vest. Eyewitness demonstrators stated that they believe the driver knew Corrie was in front of the bulldozer as he proceeded forward. IDF investigations concluded that the operator was not negligent. U.S. officials who have seen the IDF report found inconsistencies among the statements of the people involved in the accident and other witnesses. The Corrie family believes that the investigation was not thorough, credible, and transparent and continued to pursue the case. In conjunction with the report of the IDF Judge Advocate General, the IDF implemented two remedial procedures for improved safety: The presence of more senior officers to oversee such operations and the designation of closed military zones with orders forbidding the presence of civilians in areas when IDF military operations are concluded.

On April 7, 2003, gunfire from an undetermined source struck 24-year-old U.S. citizen Brian Avery in Jenin. The IDF denied responsibility for the incident. Avery, an activist with the International Solidarity Movement, was walking outside during curfew in the city when an IDF armored personnel carrier approached him. Avery was shot in the face and required considerable surgery and extended hospitalization. In December, a lawyer petitioned the Supreme Court to require Israel military authorities to

investigate his shooting. According to B'tselem, the IDF had reportedly conducted an internal investigation and concluded that it was impossible to determine whether Avery was hit by IDF or Palestinian gunfire. At year's end, the Israeli High Court had not delivered its decision in the case.

On December 26, 2003, Israeli security forces fired at demonstrators attempting to penetrate the separation barrier built near the town of Qalqilya. The gunfire wounded a 25-year-old U.S. citizen and seriously wounded Israeli citizen Gil Na'amati in both legs. The IDF internal inquiry concluded that the soldiers involved had not violated the open-fire regulations. On November 27, the Military Attorney General (MAG) decided that no criminal charges would be brought. However, the MAG recommended a reprimand for the regional brigade commander and further recommended that the commander of the Engineers Corps unit that was involved, his second in command, and two other soldiers be brought to a disciplinary hearing.

At year's end, the Government of Israel continued to withhold information regarding the documents and property taken during the 2001 seizure of Orient House (see Section 2.b.).

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

Women

PA law does not explicitly prohibit domestic violence, but assault and battery are crimes. There were reports indicating that Palestinian domestic violence increased since 2000.

So-called honor crimes occurred infrequently, according to human rights groups. Public discussion of the issue gained greater attention due to a significant effort by Palestinian women's groups. The crimes almost exclusively involved alleged sexual interactions of female family members with men who were not their husbands. Women's shelters were not accepted culturally. There was no reliable data on the incidence of violence against women.

Rape is illegal, but spousal rape is not.

Palestinian women endured social prejudice and repression. Some girls, especially in rural areas, did not finish mandatory schooling because prospective husbands did not approve. Education and cultural restrictions occasionally prevented women from attending college. Muslim and Christian women who married outside of their faith often were disowned and sometimes harassed. Local officials sometimes advised such women to leave their communities to protect themselves.

Before 2000, a growing number of women worked outside the home, where they often encountered discrimination and, occasionally, sexual harassment. There were no special laws on women's rights in the workplace. Women were underrepresented in most aspects of professional life, although a small group of women were prominent in politics, medicine, law, teaching, and NGOs.

For Muslims, personal status law is derived from Shari'a (Islamic law). Ecclesiastical courts rule on personal status issues for Christians. Shari'a pertaining to women is part of the Jordanian Status Law of 1976, which includes inheritance and marriage laws. Women in most cases are not entitled to inheritance. Men may take more than one wife, although few did so. Women may make "stipulations" in the marriage contract to protect them in the event of divorce and on questions of child custody; however, only an estimated 1 percent of women took advantage of this provision. Ecclesiastical courts also often favored men over women in divorce and child custody cases.

Children

The PA provides for compulsory education through the ninth grade. However, girls who married before the ninth grade left at the behest of husbands and, in rural areas and refugee camps, boys left school to help support their families.

Internal closures, checkpoints, and the separation barrier significantly impeded the ability of both students and teachers to reach educational facilities (see Sections 2.a. and 2.d.).

In areas under curfew, all classes were cancelled. UNRWA reported that more than 35,000 teacher workdays were lost in the 2002-03 academic year. Enrollment of students from Gaza at Birzeit University in the West Bank declined from 370 in 2000 to 39 at year's end.

Education and health care professionals judged that the violence produced lack of focus, nightmares, incontinence, and other behavioral problems. UNRWA reported that elementary school exam pass rates in Arabic, mathematics, and science declined dramatically between 2000-01 and 2003-04.

OCHA reported that during the past 3 years, Palestinian universities lost approximately \$4.85 million (20.8 million NIS) worth of infrastructure. During the year, university dropout rates increased by 7 percent, in part, because families were unable to pay the fees.

The PA Ministry of Health provided for children's immunizations. The PA insurance program provided basic medical care for children, for a small monthly fee. The latest available figures showed a slight improvement in nutrition levels from 2003. In 2003, 3.4 percent of Palestinian children suffered from acute malnutrition and 10.7 percent suffered from chronic malnutrition. The prevalence of anemia varied between the West Bank (17.4 percent) and the Gaza Strip (31.2 percent).

Child abuse was not a widespread problem. The law does not explicitly prohibit child abuse, but does sanction parents who failed to protect children from abuse. PA courts may protect children in "difficult situations," including cases of neglect or abuse. The Ministry of Social Affairs may ask a court to intervene to place a child in an official protective institution or with an alternate family.

The law provides that no one under 14 can work. Those between 15 and 18 can be employed under limited conditions (see Section 6.d.). There was no juvenile court system, but certain judges specialized in juvenile cases.

Palestinians in East Jerusalem received municipal services inferior to those available in other parts of Jerusalem. In 2001, the Israeli High Court ordered the construction of new infant care clinics in East Jerusalem. The Association for Civil Rights in Israel stated that six centers now existed in East Jerusalem and the surrounding areas and that there was sufficient coverage for the local East Jerusalem population. East Jerusalem schools remained under-funded and overcrowded, and many students were denied enrollment due to lack of space. In 2001, the Israeli High Court ordered the municipality to build 245 new classrooms within the next 4 years, but, at year's end, only 2 new classrooms were finished and 28 were under construction.

International and domestic NGOs, including UNICEF, Save the Children, and Defense for Children International, promoted educational, medical, and cultural services for children, and other groups specialized in the needs of children with disabilities.

Palestinian terrorist groups used minors to conduct attacks or as human shields. On January 11, a 17-year-old high school student from Nablus blew himself up near an army post at Jinsafut; no IDF soldiers were hurt. On November 1, a 16-year-old Palestinian bomber blew himself up in a Tel Aviv marketplace, killing three Israeli civilians.

Trafficking in Persons

Palestinian law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the occupied territories.

Persons with Disabilities

Accessibility to public facilities was not mandated in the occupied territories. Palestinians with disabilities were discriminated against in most spheres, including education, employment, transportation, and access to public facilities. There were approximately 130,000 Palestinians with disabilities prior to the outbreak of the current Intifada. The Health, Development, Information, and Policy Institute estimated that one-tenth of the approximately 28,000 Palestinians injured in the Intifada will have permanent disabilities.

Some institutions cared for persons with disabilities; however, their efforts consistently were underfunded.

Care for Palestinians with physical and mental disabilities remained a problem. Cultural stigmas coupled with inadequate funding produced poor quality care. The PA depended on NGOs to care for physical disabilities, and offered substandard care for mental disabilities. In February, the Ministry of Health, with input from the World Health Organization, released a national strategy for mental health services that called for increased efforts to care for mental health patients and to reintegrate them into the community.

Other Societal Abuses and Discrimination

There were no laws that discriminated against homosexuals, and there were no reports of specific incidents of abuse because of sexual orientation. However, cultural traditions and religious publications reject homosexuality, and Palestinians alleged that the public and PA security officers subjected them to harassment, abuse, and sometimes arrest because of their sexual orientation.

Section 6 Worker Rights

a. The Right of Association

Labor Law 7 went into effect in 2001, but calls for 48 bylaws. Nine have been approved by the Ministers Council and published; 9 were approved but have not yet been published; and 30 remain incomplete. Workers may establish unions without government authorization. There were 19 trade unions registered with the Ministry of Labor.

The International Labor Organization (ILO) has paid to disseminate an explanation of labor laws prepared by the Department of Law at Birzeit University.

Workers in Jerusalem are free to establish unions, but may not join West Bank federations; however, this restriction was not enforced. Workers, holding Jerusalem identity cards, may belong simultaneously to West Bank unions and the Israeli Histadrut Labor Federation.

Palestinians who worked in Israel or Jerusalem prior to 2000 were partial members of Histadrut and had 1 percent of their wages withheld. Partial membership entitled them to limited benefits, including compensation for on-the-job injuries, maternity leave, and employer bankruptcy. Histadrut and West Bank union officials negotiated an agreement to transfer half of this fee to the Palestinian General Federation of Trade Unions (PGFTU), which claimed it was owed \$6.5 million (28 million NIS).

Article 66 of the labor law provides for the right to strike. Prospective strikers must send a written warning 2 weeks in advance to the other party and the Ministry of Labor notifying them of the basis for the strike. (For strikes affecting public utilities, the period is 4 weeks.) In practice, strikers had little protection from retribution. Unions that seek to strike must accept arbitration by the Ministry of Labor and are subject to disciplinary action if they do not accept the result.

The PGFTU participated in some programs of the International Confederation of Free Trade Unions, but was not a member. The PGFTU became an ICFTU affiliate in 2002.

b. The Right to Organize and Bargain Collectively

A majority of workers in the occupied territories were self employed or unpaid family helpers. Approximately 35 percent had wage jobs. Most were employed by UNRWA and the PA. Articles 60 to 65 of the labor law stated that conflicts should be resolved by a mediator from the ministry. If the ministry cannot resolve the dispute, it can be referred to a special committee, and, eventually to a special court. Accordingly, in practice the right to strike remained questionable.

There are no export processing zones in the occupied territories, although the Gaza Industrial Estate previously enjoyed free trade access to foreign markets.

c. Prohibition of Forced or Compulsory Labor

PA law does not prohibit specifically forced or compulsory labor; however, there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment

The minimum employment age is 15, and there are special conditions for employment between 15 and 18. For minors, working at night, hard labor, and travel outside their area of domicile were prohibited. However, many children under 15 worked in family farms and shops, or as street vendors, and in small manufacturing enterprises, such as shoe and textile factories. According to the Palestinian Central Bureau of Statistics' Labor Force Survey Report, July-September 2003, 1.7 percent of children 10 to 14 years of age worked in 2003. The PA had only 40 labor inspectors for an estimated 65,000 enterprises. The ILO and UNICEF worked with the PA to develop capacity. During the year, the ILO began to implement its International Program for the Elimination of Child Labor, conducted a survey, and hired a specialist to conduct a technical assessment.

e. Acceptable Conditions of Work

There was no minimum wage. Prior to 2000, the average wage for full-time workers provided a decent standard of living. The standard of living dropped significantly over the last 4 years.

The normal workweek was 45 to 48 hours. There was no effective enforcement of maximum workweek laws.

The PA Ministry of Labor was responsible for enforcing safety standards, and, while its ability was limited, it carried out some inspections. The ministry stated that new factories and workplaces met international health and safety standards, but that older ones did not. Palestinians who worked in Israel were required to contribute to the National Insurance Institute and received limited benefits.